Open consultation

The welfare of primates as pets in England: call for evidence

Published 25 October 2019

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Overview

On 28 September 2019, the Secretary of State for Environment, Food and Rural Affairs announced her intention to issue a Call for Evidence on the welfare of primates as pets.

A primate ¹ is any member of the biological order Primates; this includes all the species commonly referred to as lemurs, monkeys and apes. This call for evidence relates whether there should be any restrictions on the keeping of primates as pets in England.

Existing laws relating to primates as pets

As with any kept vertebrate animal, the welfare of primates is protected by the provisions of the Animal Welfare Act 2006 (http://www.legislation.gov.uk/ukpga/2006/45/contents) (the 2006 Act) which makes it an offence to cause any unnecessary suffering to an animal or to fail to provide for an animal’s welfare needs. The maximum penalty for both of these offences is currently 6 months’ imprisonment and/or an unlimited fine. However, the Government has announced that it will increase the custodial maximum penalty for causing unnecessary suffering to 5 years’ imprisonment.

In addition, the statutory Code of Practice for the Welfare of Privately Kept Non-human Primates (https://www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-privately-kept-non-human-primates) (the Code), made under the 2006 Act, provides keepers with information on how to meet the welfare needs of their primates, as required under the 2006 Act. Whilst it is not an offence to breach the Code, a breach of the Code can be used as evidence in support of a prosecution brought under the 2006 Act for poor welfare, and compliance with the Code can be used to defend such a prosecution.

The Code can be used by enforcement agencies when investigating an allegation of a primate being held in poor welfare conditions. The investigating officer can point out any welfare problems and refer the keeper to the relevant part of the Code so that they know what they need to do in order to correct the situation and avoid a possible prosecution.

Many primates are kept in zoos which are regulated under the Zoos Licensing Act 1981. Under the 1981 Act anyone keeping wild animals and exhibiting them to the public for seven days or more in a twelve month period is operating a zoo. Local authorities are responsible for enforcing the licensing scheme with powers of entry and inspection. Minimum welfare standards in zoos are provided under the Secretary of State’s Standards of Modern Zoo Practice. Such requirements do not apply to primates kept as pets.

Outside of a zoo, if someone wishes to exhibit a primate in England, including a mobile exhibit or any form of display or public performance (e.g. being displayed/performing at a show or a school), a local authority licence for this is needed under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (http://www.legislation.gov.uk/uksi/2018/486/contents/made) (the 2018 Regulations).

Since 1 October 2018, the 2018 Regulations also require anyone in the business of selling pet animals in England to obtain a licence from their local authority. Licensees must adhere to statutory minimum welfare conditions or otherwise risk losing their licence to operate as a business selling pet animals. Local authorities are responsible for enforcing the 2018 Regulations and have powers to grant, refuse or revoke a licence, as well as powers of entry and inspection. The 2018 Regulations mean that anyone selling primates as a business in England must obtain a valid licence from their local authority. The 2018 Regulations also require any businesses based in England placing adverts for pet animals to include their licence number in the advert, including online adverts.

The Dangerous Wild Animals Act 1976 (http://www.legislation.gov.uk/ukpga/1976/38/contents) (the 1976 Act) regulates the keeping of certain non-domestic species of animals that are considered dangerous to keep in Great Britain. As the title suggests, the 1976 Act is mainly concerned with protecting people from dangerous...

animals, although there are some animal welfare requirements under the 1976 Act as well. Species of primate that are listed under the 1976 Act include (but are not limited to): the Great Apes (all gorilla, chimpanzee, bonobo and orangutan species); gibbons; and New World monkeys (including capuchin, howler, saki, uacari, spider and woolly monkeys). The full list of species covered by the 1976 Act are set out in the Schedule to the 1976 Act.

Owners of animals listed in the 1976 Act must obtain a licence from their local authority and must meet the minimum safety and welfare standards required by the 1976 Act to do so.

The number of primates as pets

According to the RSPCA's report Do you give a Monkey's? (https://www.rspca.org.uk/adviceandwelfare/pets/other/primates), which was based on RSPCA investigations over a ten year period, marmosets are by far the most commonly held primates in the UK (81%), with capuchins, squirrel monkeys, lemurs and tamarins also among the most common primates kept as pets in the UK. In 2012, information obtained by the specialist primate sanctuary based in Cornwall, Wild Futures, through Freedom of Information requests to local authorities in Great Britain showed that 339 primates were licensed under the 1976 Act.

The precise number of primates held in private keepership is not known. In 2014, the Parliamentary Select Committee for Environment, Food & Rural Affairs (EFRA) published a report Primates as Pets (https://publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/984/98402.htm) which included evidence on the numbers. However, the report concluded that there were no definite estimates available.

Most estimates by stakeholders of the number of primates held privately as pets vary between 1,000 and 7,500. These estimates may be based on a combination of the number of licences issued by local authorities under the 1976 Act and the number of movements recorded under the Trade Control & Expert System (TRACES)². TRACES shows that the overwhelming majority of primates currently entering the UK are macaques for use in scientific research (over 90% over the last five years – see Table 1).

Table 1: Numbers of primates imported into UK 2014-2018³

<table>
<thead>
<tr>
<th>Year</th>
<th>Numbers of primates (of which macaques)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>2,066 (1,474)</td>
</tr>
<tr>
<td>2015</td>
<td>2,216 (2,136)</td>
</tr>
<tr>
<td>2016</td>
<td>2,457 (2,364)</td>
</tr>
<tr>
<td>2017</td>
<td>2,373 (2,258)</td>
</tr>
<tr>
<td>2018</td>
<td>2,213 (2,124)</td>
</tr>
</tbody>
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Change between chart and table

<table>
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</tbody>
</table>

We would welcome any additional estimates of numbers of primates in private ownership in England.

**Possible welfare and ethical issues relating to primates as pets**

**Breeding**

It is unclear how primates as pets in England are obtained. Importation does not appear to be a significant source, and therefore the assumption is that many primates kept as pets are bred domestically, from captive stock. We would welcome any additional evidence on the extent and conditions of pet primate breeding in England.

**Sales, acquisition, transportation and onward selling**

There are concerns that primates are sold at very young ages, in unsuitable conditions, and that prospective owners are uninformed on the complex welfare needs of primates.

It is unclear how prospective owners find, and purchase a primate to keep as a pet. There are many online adverts for pet primates but a large number of these are likely to be attempts at fraudulently obtaining money from potential buyers without an actual primate for sale. Social media has also been suggested as a potential platform for selling and purchasing primates. Primates may also be obtained through traditional pet shops, which are licensed under 2018 Regulations. Defra does not have data on how many pet shops actually sell primates. Further evidence on the scale of the primate pet trade would be welcomed.

It is unclear whether owners keep pet primates for the duration of their lives. Any further evidence on this would be welcomed.

**Keeping**

Primates have complex welfare needs and social requirements.

Specialist primate rescue centres have provided anecdotal evidence of primates being kept in inadequate conditions in England, such as primates being kept on their own in small enclosures/cages and being fed inappropriate diets. Charities and rescue centres point out that pet primates exhibit behavioural problems on rehoming at specialist centres, as well as other problems such as fractured or misshapen bones. These specialist primate rescue centres also point to increased numbers of primates being handed into them as potential evidence of a growing problem of primates being kept as pets in England.

It is not currently known how many people keep primates as pets in England, and from those, how many are able to keep primates in accordance with the statutory Code of Practice. Therefore it is currently difficult to understand how serious or widespread the problem of pet primates being kept in inappropriate conditions is. Any further evidence on this would be welcomed.

**Life span, multiple ownership and abandonment**
Life spans of primates in captivity vary enormously, depending on their species. Pygmy marmosets live for around 12 years but others are longer living, such as capuchins which live for about 20 years in captivity. Some species, such as chimpanzees or orangutans can live for much longer periods, often around 40 years or more. We do not currently know whether there are any of the longer living species of primates kept as pets in England. Evidence on the typical lifespan in captivity of primate species commonly kept as pets would be welcomed.

We do not currently know whether individuals generally acquire primates for the duration of their lives. Change of ownership could compromise their welfare if not managed responsibly, or may benefit the welfare of the animal if the current owner cannot meet the needs of the primate. Further evidence on this would be welcomed. Where individuals do not keep primates for their full life span, we would welcome evidence on where they are transferred (e.g. to other primate owners, zoos, sanctuaries etc.) and at what point in their lives. The extent to which primates formerly kept as pets are abandoned by their owners in unknown and evidence on this would be welcomed.

**Unintended consequences**

There may be consequences of introducing any restrictions on primates as pets. If new, higher welfare standards were introduced, existing owners may consider that they cannot meet these, and may look to give up their animal, or abandon it, with knock on impacts for rescue centres.

Restrictions on owning a primate as a pet would need to take into account existing owners, and the life span of primates already in ownership.

Restrictions on primates as pets could force the breeding and selling of pet primates underground and consequently lead to a reduction in welfare standards. Restrictions on ownership of primates could also impact welfare standards of primates which continue to be kept and bought/sold, due to animals being denied veterinary care for fear of their owners being reported.

Any evidence on the impacts of potential restrictions, both to the welfare of primates, and wider impacts is sought. Separately, Defra is currently considering issues around the potential licensing of animal rescue and rehoming centres in England, which could include primate rescue facilities.

**Evidence requested**

In this call for evidence, we want people to send us evidence, including any supporting documentation and references, which will specifically help us understand the extent and general welfare of privately kept primates in England, whether any restrictions should be applied, and the effect that those restrictions may have.

1. Your evidence is invited on the number and types of existing primates in private ownership in England and the numbers and types in rescue centres. Evidence on the typical life span in captivity of primate species commonly kept as pets is also requested.
2. We are interested to understand the typical general welfare and conditions of primates kept as pets in England.
3. We are interested to understand how owners acquire primates as pets (e.g. are they bred domestically or overseas, do they come from wild populations overseas or do they come from excess zoo stock either domestically or from abroad).
4. We are also seeking evidence on the breeding of primates in England, including the number of breeders, the types of primates bred, the cost of breeding primates, and the numbers of primates sold by breeders annually within England. Evidence on the selling price of primates, and who breeders sell to (e.g. individuals, zoos etc.), as well as breeding conditions, is also requested.
5. We would like evidence on the costs of purchasing various different species of primates both for wholesale (for onward sale as a pet) and as a private pet.

6. Any information about the cost of keeping a primate in private ownership would also be welcome.

7. We would also welcome evidence on whether owners usually keep their primates for the duration of their lives or whether they acquire a primate with the intention of passing them on after at some point in the future. To what extent are primates kept as pets abandoned or given up to rescue centres, and at what point in their lives?

8. We are interested in evidence to support retaining the existing approach of a welfare code of practice to specify the conditions in which pet primates must be kept.

9. We are seeking evidence on the impact (both positive and negative) any restriction on primates as pets in England may have on the welfare of primates. For example, restrictions could cover introduction of a registration or licensing scheme for owners or outright banning of primates as pets, or restrictions on breeding, and/or sale of primates as pets.

10. We are interested in evidence on potential licensing regimes and/or regulatory conditions for owners of primates kept as pets.

11. Evidence is sought on the potential impact to rescue centres and animal welfare charities should restrictions be in place on the private keeping of primates in England. Any evidence on wider impacts is also welcomed.

12. We are interested to understand whether, if restrictions were to be introduced, there would need to be exemptions to restrictions, and if so, what exemptions would those be, the justification for each of them and how each of those exemptions should be applied.

13. Evidence is requested on enforcement arrangements that would be necessary to apply different types of schemes for restrictions on the private keeping of primates. If restrictions were introduced, what penalties should apply for a breach, whether these should be civil or criminal, and who should enforce any such restrictions?

14. Evidence is also requested on the costs related to any proposed restrictions on owners, enforcers and others, and what fees should apply to a registration or licensing scheme.

How to respond

To respond to this call for evidence please email AnimalWelfare.Consultations@defra.gov.uk including any supporting documents.

The closing date for evidence is 5pm on 17 January 2020.

Postal submissions can be made to:

Animal Welfare Team
Area 2D Nobel House
17 Smith Square,
London
SW1P 3JR

These must be received by the Department before the closing date.

In your response please state whether you are replying on behalf of an organisation or as a member of the public.

If you are replying on behalf of an organisation or organisations:

- which organisation(s)?
- what is your name and position?
what is your email address?

Due to the time constraints of this call for evidence, if you are a membership organisation it would be of great assistance if responses could be collated on behalf of your members and provided as one submission.

Confidentiality and data protection information

Information in responses to this call for evidence may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA).

Defra may publish the content of your response to this call for evidence to make it available to the public without your personal name and private contact details (for example name and email address).

If you want your response kept confidential, please clearly state what information you would like to be kept confidential and why. This is to help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this call for evidence, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

1. “Primate” also includes humans but for the purposes of this call for evidence we are only concerned about non-human primates. ↩

2. The European Commission’s multilingual online management tool for all sanitary requirements on intra-EU trade and importation of animals, semen and embryo, food, feed and plants. ↩