



Department
for Environment
Food & Rural Affairs

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

Summary of responses and way forward

December 2020



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Any enquiries regarding this publication should be sent to us at

AnimalWelfare.Consultations@defra.gov.uk

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Introduction

This document provides a summary of responses to the Department for Environment, Food and Rural Affairs' (Defra) Call for Evidence on the Welfare of Primates as Pets. The call for evidence ran for 12 weeks from 25 October 2019 to 17 January 2020. This document provides a summary of the responses received. We are grateful to all the individuals and organisations that took the time to respond to this consultation. Given the number of responses, it does not offer a detailed opinion on all comments received. A copy of the original call for evidence is available at:

<https://www.gov.uk/government/consultations/welfare-of-primates-as-pets-in-england-call-for-evidence/the-welfare-of-primates-as-pets-in-england-call-for-evidence>.

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** (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 is supporting legislation that 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** (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.
- Many primates are kept in zoos which are regulated under the **Zoo Licensing Act 1981** (the 1981 Act). 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. Minimum welfare standards in zoos are provided under the Secretary of State's Standards of Modern Zoo Practice.
- The **Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018** (the 2018 Regulations) require a local authority licence to be obtained for anyone wishing to exhibit a primate in England, as well as anyone in the business of selling pet animals, including primates. 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 term 'pet' is legally defined by the 2018 regulations as an animal mainly or permanently, or intended to be mainly or permanently, kept by a person for (a) personal interest, (b) companionship, (c) ornamental purposes, or (d) any combination of (a) to (c). Primates in private ownership (i.e. outside of the context of a licensed zoo or a business) are legally classed as pets.
- The **Dangerous Wild Animals Act 1976** (the 1976 Act) regulates the keeping of certain non-domestic species of animals that are considered dangerous to keep in Great Britain. The 1976 Act is mainly concerned with protecting people from dangerous animals, although there are some animal welfare requirements. The full list of species covered 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 minimum safety and welfare standards.

Summary of responses

In total, 215 responses to the call for evidence were received. These were made up of:

- 119 individual responses
- 96 campaign responses

Of the individual responses received, these were made up of:

- 26 responses from organisations
- 93 responses from individuals

Responses were received from welfare groups, rescue centres, zoos, membership organisations, conservation groups, vets, academics, zookeepers, specialist keepers and members of the public. We did not receive any responses from people who keep primates in a domestic setting.

Fourteen specific areas of evidence were requested and a range of evidence and views were received from respondents against each question. Not every respondent provided evidence or views against every question.

Most respondents were in favour of increased restrictions on the keeping of primates as pets while the remainder did not express a firm view, or were in favour of reforms with certain caveats. No respondents stated complete opposition to reforms.

Public responses

“Primates are highly intelligent animals and they are often held in small cages with no access to outside space and inadequate heating. Ordinary people are unaware of the type of diet these animals require and as a result they become ill and deformed.” **Member of the public**

We received a number of responses from members of the public. Many had visited public primate sanctuaries or had seen television programmes about primates kept as pets.

The majority of responses cited welfare concerns such as social isolation, cramped housing and inappropriate diets, and the resulting physical and psychological issues that these cause. Many mentioned the ease with which a primate can be purchased online without checks on potential owners, and many stated that existing legislation is not protecting the welfare of primates. Views on the types of restrictions that should be used included a ban on keeping primates as pets and a ban on the sale or trade of primates.

Some responses also provided anecdotal evidence of primates available for sale online via classified adverts or in pet shops.

Animal Defenders International campaign response

“Wild, intelligent, and innately social and complex animals, primates are not suitable for keeping as pets, as their needs cannot be met in a domestic environment.”

The Animal Defenders International campaign was comprised of 96 largely duplicated emails. The responses expressed support for a ban on keeping primates as pets, citing physical and psychological issues commonly seen in pet primates.

The responses expressed support for a phased ban, involving an immediate ban on the acquisition and breeding of primates combined with interim standards for current owners to abide by.

Specialist private keepers

A number of responses from membership organisations and individuals highlighted the existence of private collections of primates kept by specialist keepers, with many individuals keeping primates to a standard of welfare which would meet the requirements of the Zoo Licensing Act 1981. Some keepers are also members of European breeding and conservation programmes.

Although legally all primates in private ownership are classed as ‘pets’, these respondents argued that there should be a distinction made between primates kept in a domestic environment, and those kept by specialist keepers in zoo-like conditions. While supportive of reforms to tackle primates kept domestically, they stated that specialist keepers should not be subject to a potential ban on keeping primates as pets, provided that the primates’ welfare needs are met.

Executive summary

- The number of primates kept privately is highly uncertain but most estimated figures are within the range 1,000-5,000. Common marmosets are the most commonly kept species.
- Of the respondents that expressed a view, all stated that keeping a primate as a pet in a domestic environment is detrimental to its welfare.
- Not all keepers of primates keep their animals in a domestic environment. Many specialist private keepers keep their animals with welfare at or above the standards required by the Zoo Licensing Act 1981.
- Pet primates are generally acquired from private dealers and breeders or from zoos. The majority of sales by private dealers occur online. The primate pet trade is largely self-sufficient and does not rely on imports from abroad.
- The specialist keeper sector appears to be largely self-contained and there is little overlap with the pet primate sector.
- Comments received indicate that primates are expensive to purchase, and complex and expensive to care for.
- Many respondents stated that existing legislation does not protect the welfare of pet primates.
- A ban on keeping primates as pets is the favoured option for reform among respondents, with support for different aspects of both sales bans and bans on breeding. A 'grandfather policy' for pet primates in existing ownership was suggested by many respondents.
- Comments were provided in support of exemptions for zoos and primate rescue centres, with some support for exemptions for specialist keepers who can meet a welfare standard equivalent to those required in licensed zoos. New licensing regimes would be needed for rescue centres, and potentially specialist keepers.
- There is very limited capacity across the primate rescue sector to take in additional primates. A grandfather policy would ease the burden of primates needing to be rehomed.
- Proposals suggested enforcement could either be the responsibility of local authorities, or of a centralised inspectorate.
- The view of the majority of respondents was that penalties should be in line with those already set out in the Animal Welfare Act 2006, which are currently up to six months' imprisonment and/or an unlimited fine.

Responses by question

Q1. Numbers, types and typical life spans

Numbers in private ownership

“It is difficult to determine the numbers of primates kept as pets, due to the lack of regulations allowing the scale of the trade to be known.” **Animal Defenders International**

Responses were received on estimated numbers of primates kept in private ownership, and while views differed on the specific range, most respondents agreed that the true figure is difficult to estimate.

A number of respondents stated that a lack of data on the number of primates kept as pets in England should not influence whether or not the Government decides to take action, and that the primary consideration should be the welfare of the primates.

The specialist primate rescue centre, Wild Futures, provided data about the Dangerous Wild Animals Act 1976 (DWAA):

- Using Freedom of Information requests to local authorities, Wild Futures found that in 2018 there were 48 licences issued for 230 individual primates under the DWAA in the UK (Table 1).
- The DWAA does not cover the most popular primate species kept as pets, such as marmosets. The DWAA previously included squirrel monkeys and tamarins, but these were delisted in 2007. Estimating the numbers of non-DWAA primates is more challenging due to the lack of data.

Estimates of the total number of primates were provided in other responses:

- Combining DWAA figures with estimated non-compliance rates led to estimates of 3,000-9,000 primates kept as pets in the UK, however the validity of the non-compliance rate has been questioned in the past. The RSPCA stated that it believes 4,000-5,000 to be a realistic estimate. **Neither of these estimates account for primates which have never required a DWAA licence, such as marmosets.**
- Some respondents stated that they believe the total number of primates kept is lower than many estimates, and may even be below 1,000. They suggested that the vast majority of these are held by specialist keepers, and that the number kept as pets in a domestic environment is relatively low.
- Some respondents argued the reverse; that the number of specialist keepers is relatively low and that most privately owned primates are kept as pets. One respondent estimated that there were fewer than 50 specialist primate keepers.

Some respondents presented evidence to indicate the number of primates kept as pets is increasing:

- Monkey World have rescued a total of 109 primates from the UK pet trade since opening. Monkey World stated that this figure is limited by their capacity, and they currently have around 100 individuals on their waiting list awaiting rehoming.
- Monkey World stated that they have seen an exponential increase in the number rescues from the UK. In the past 30 years, 72% of rescues have occurred in the last 15 years and 53% in the last eight years.
- The RSPCA reported that the number of calls about primates to their Cruelty and Advice Line has been increasing. For example, 2016 represented a high watermark in the number of calls received (117 calls, representing a 118% increase since 2008).
- Wild Futures reported a noticeable increase in the number of enquiries made to them in the past few years about rescuing or helping with a privately owned primate. For example, five such enquiries were received by Wild Futures in 2014, whereas 21 calls were received in both 2018 and in 2019.
- The RSPCA stated that their figures may suggest that the number of primates kept as pets is increasing, or that there is increased public awareness about pet primate welfare issues.

Types in private ownership

There was general agreement among respondents that the majority of primates kept privately in England are marmosets:

- The most commonly kept primates, according to RSPCA data on pet primate investigations between 2008 and 2017 are marmosets (81% of identified individuals), followed by capuchins and squirrel monkeys.
- All of the calls for assistance received by Wild Futures since 2016 have been about marmosets.
- Of the primates rescued from the UK pet trade by Monkey World since 1989, 51% were common marmosets. The figure increases to 61% when other marmoset species and marmoset hybrids are included.
- An RSPCA survey between 2015 and 2018 found that the majority of online adverts for primates were for marmosets, comprising 93% of individuals advertised on two sites.
- A survey by the British Veterinary Zoological Society (BVZS) in 2013 asked 100 of their members (around one third of their total membership) which species of

primates kept as pets they most commonly saw in practice. Marmoset was the most popular answer at 40%, followed by squirrel monkey at 18% and capuchin at 16%.

Evidence was also received on other primate species:

- From their survey of DWAA licences, Wild Futures found that lemurs, capuchins and macaques are the most commonly licensed DWAA primate species (Table 1).

Species	2018 DWAA survey numbers
Lemurs	149
Capuchins	38
Macaques	32
Sakis	3
Spider monkeys	3
<i>Chlorocebus</i>	2
Baboons	2
Gibbons	1
Total	230

Table 1: Wild Futures data showing number of DWAA licences issued in 2018 for primates.

- The majority of evidence we received on lemurs was in relation to specialist private keepers. For example, we received evidence of lemurs held in private collections by BIAZA-accredited keepers.
- Some evidence was received in relation to lemurs kept as domestic pets. For example, Monkey World has rescued four lemurs from the UK pet trade since 1989 (compared to 56 common marmosets) and we did not receive any evidence of lemurs available for sale as pets via online adverts or pet shops.

Numbers and types in rescue centres

Evidence was provided by two of the major primate rescue centres in England, Monkey World and Wild Futures:

- Monkey World has rescued 98 primates from England since 1989 (109 from the UK as a whole). Over half of these are common marmosets, with significant numbers of capuchins, squirrel monkeys and other marmoset species.
- Wild Futures has rescued 44 primates from the UK pet trade since 2001, mostly capuchins and marmosets.

- Both rescue centres pointed out that the numbers are limited by their capacity to rescue, not by the number of primates that need rescuing. Monkey World has a waiting list numbering around 100 individual primates.

Life spans

A number of respondents provided life span data. Data provided by Monkey World is shown in Annex A.

- Common marmosets, the most commonly kept pet primates, live for 10-20 years and sometimes longer. Squirrel monkeys live for around 20 years and capuchins for around 40 years.
- Primates which have experienced neglect will typically experience shorter life spans. Anecdotal evidence was also received on life spans of individual primates known to respondents, including some unusually long-lived individuals.

Q2. Welfare of privately kept primates

“We can think of no circumstances where a primate would benefit from being kept privately as a pet. They are unsuitable to be kept as companion animals.” **British Veterinary Association and British Veterinary Zoological Society**

There was strong agreement among respondents that a primate’s welfare needs cannot adequately be met in a ‘domestic environment’, for example in an owner’s home, and/or as a companion animal.

In addition, a number of responses put forward arguments on the distinction between the welfare of primates kept in a domestic environment, and those kept in conditions at or above those required by the Zoo Licensing Act 1981 (ZLA), for example by some specialist keepers.

Conditions

Numerous pieces of evidence, including case studies and photographs, pointed to the conditions in which pet primates are commonly kept:

- Kept in cramped and inappropriate conditions such as garden sheds or small bird cages.
- Kept in the home, either free-ranging or in a cage, often in the presence of children and other animals such as dogs.
- Social isolation due to being kept singularly or in pairs, when most species of primates commonly held as pets should be in large social groups.
- Fed inappropriate diets, especially ‘junk’ food.
- Lack of heat and ultraviolet light.
- Removed from mothers at too young an age.
- Primates’ long life spans and the difficulty in planning for changes in circumstances or the death of the owner.
- Different species of primates have specific and individualised needs which require high levels of expertise to meet.

Comments were also provided to support a distinction between primates kept in a domestic environment and those kept in conditions at or above those required by the ZLA, for example by many specialist keepers:

- Many such keepers invest considerably in providing suitably complex, naturalistic enclosures for their primates. Some respondents stated that many privately kept primates are kept in conditions at or above those required by the ZLA.

- Keepers who responded stated that they ensure that the primates are kept in compatible and stable social groups.
- Keepers invest time to develop knowledge of primate welfare best practice and husbandry.
- Specialist keepers may be accredited to a high standard by organisations such as BIAZA, which requires its members to go above and beyond the standards required by the Zoo Licensing Act 1981.
- Primates kept by private keepers have regular access to specialist veterinary care.

Welfare issues

Evidence was provided in the form of case studies and academic research on the physical and psychological issues seen in primates who have been kept in unsuitable conditions (Table 2).

Physical issues	Psychological issues
<ul style="list-style-type: none"> • Broken bones • Nutritional bone disease (rickets) • Malnourishment • Poor musculature • Amputated tails • Kidney and liver failure • Soft tissue damage • Poor dentition • Bacterial and/or parasitic infections • Underweight/emaciated or overweight/obese 	<ul style="list-style-type: none"> • Hyper aggressive • Hyper alert • Anxiety • Agoraphobics • Poor/non-existent social skills • Stereotypic behaviour (e.g. rocking, pacing) • Abnormal behaviour • Self-injurious behaviour (e.g. self-biting, head-banging and hair-plucking)

Table 2: Reported physical and psychological issues seen in ex-pet primates.

Q3. How privately kept primates are acquired

“The pet primate industry in the UK appears self-sufficient and does not require imports from abroad.” **UK academic**

Comments were received suggesting that there are two ways in which privately kept primates are acquired, with distinct routes for people keeping them in a domestic environment and specialist keepers.

Pet sales

Evidence and comments were received on the sales of primates to be kept as pets in a domestic environment:

- The majority of primates kept in a domestic environment originate from primates bred within the UK and sold by private dealers.
- Sales primarily occur online via classified adverts; in online forums; and on social media, for example in ‘closed’ Facebook groups. One estimate suggested that 100-250 common marmosets are sold each year, based on volume of online adverts. Primates are also bought from pet shops, although this is less common than purchasing a primate online.
- Examples of online adverts showing primates for sale were provided. Many were for common marmosets, but others included for tamarins and other marmoset species. Advertising platforms that follow the Pet Advertising Advisory Group guidelines such as Pets4Homes or Gumtree, do not allow adverts for primates.
- Welfare concerns about primates sold online included lack of information on how to care for primates; lack of checks on suitability of potential owners; primates sold singly and at very young ages; and the use of inappropriate terms in adverts such as ‘toilet trained’, ‘tame’ and ‘bottle fed’.
- A number of respondents stated that it is difficult to acquire information on the trade in primates as pets due to it being conducted ‘behind closed doors’ or ‘underground’ in closed forums or social media groups, or by word of mouth.

Importation

Evidence and comments received suggest that very few primates kept as pets in a domestic environment come from overseas:

- Respondents agreed that the majority of pet primates kept in a domestic environment come from captive-bred stock within the UK, and that legal importation is not a significant source.

- While illegal imports do occur, they are uncommon. One rescue organisation stated that they had acquired a small number of primates (capuchins and lemurs) which had been illegally landed from other European countries. The respondent stated that in the UK there is no trade in wild caught primates that they are aware of. We received no other evidence in relation to the illegal imports of primates.
- Data on the Convention on the International Trade in Endangered Species (CITES) provided by the Animal and Plant Health Agency (APHA) showed that the majority of primates legally imported into the UK from outside the EU are for use in scientific laboratories. Permits were also issued for importation of primates to zoos and rescue centres.
- APHA reported that from 1989-2011 there were ten permits issued for the importation of primates for personal use. Since 2011, no permits have been issued by APHA for importing primates for personal use.
- Responses stated that there is no evidence to suggest that pet primates in the UK come from wild sources.

Specialist private keepers

Comments submitted on how specialist keepers obtain their pet primates included:

- Specialist keepers will usually acquire their primates from other keepers, or from zoos. Some keepers are members of breeding and conservation programmes, such as the European Endangered Species Programme (EEP) and the European Studbook (ESB). Primates may be requested by zoos for breeding as part of a conservation programme. In some cases primates have been transferred by specialist keepers for release into the wild.
- Specialist keepers who responded stated that they will breed their pet primates and transfer these to other private keepers. Transfers usually take place between specialist keepers, and generally not between specialist keepers and domestic pet owners.
- The majority of acquisitions of primates held by specialist keepers do not involve a transfer of money. Several specialist keepers stated that the commercial trade in primates should be banned.
- Some of these specialist keepers acquire primates from excess zoo stock, for example by taking in elderly primates which can no longer be on display to the public, or who have been ostracised from social groups, freeing up zoo resources.
- The British and Irish Association of Zoos and Aquariums (BIAZA) regulates transfers to and from its members.

Q4. Breeding of primates in England

“The breeding of primates for commercial purposes (buying and selling pets) needs to be banned or very tightly regulated.” **Specialist private keeper**

Domestic pet trade

We received comments suggesting that private breeders are the primary source of primates which are kept as pets in a domestic environment in England:

- Some respondents suggested that common marmosets in particular are bred quickly and in large numbers to generate income.
- Common marmosets have a gestation period of five months, with twins as usual offspring, and can become pregnant again within two weeks of giving birth. A single breeder with two breeding pairs could therefore produce eight marmoset individuals to be sold into the pet trade per year.
- It was suggested by some that a number of breeders are breeding and selling primates commercially without a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, although no specific evidence of this was presented.
- It was also suggested that, from the wording of advertisements, there are individuals who breed and sell primates on a small scale as non-businesses, and as such would not necessarily be subject to licensing regulations.
- One respondent stated that as a result of a lack of regulation, there is no coordinated breeding programme in the primate pet trade, which risks poor welfare due to inbreeding.

Specialist keepers

Comments were received in relation to breeding by specialist keepers:

- Specialist keepers also breed their primates.
- Breeding primates may be part of conservation or breeding programmes, where breeding is monitored and regulated.
- Specialist keepers do not attach commercial value to their primates. Transfers of primates to other institutions or keepers do not involve any direct financial exchange.

Q5. Cost of purchasing

Evidence received quoted advertised selling prices of primates (Table 3):

- Many respondents stated that there are a number of scam adverts online, but these were usually possible to identify, and were discounted from reported figures.
- Figures for primates other than common marmosets are less reliable due to comparatively small numbers being sold and the high probability of scam adverts (this was highlighted in particular in the case of capuchins).
- Some prices included cages and accessories.

Primate	Selling price
Common marmoset	£400-£1500
Squirrel monkey (<i>Spp.</i>)	£450-£5000
Capuchin (<i>Spp.</i>)	£250-£7000
Tamarin (<i>Spp.</i>)	£800-£2250
Lemur (<i>Spp.</i>)	£900-£1750
Spider monkey (<i>Spp.</i>)	£895

Table 3: Reported selling prices for pet primates. The range indicates the lowest and highest figures quoted across the evidence received.

Q6. Cost of keeping

Evidence and comments were received on the costs of privately keeping a primate:

- Responses highlighted the high costs of keeping a primate due to their complex and specialised needs, as well as highlighting the specialist knowledge needed to adequately care for a primate.
- The high capital cost of providing a suitably large and complex enclosure for a primate was reported, as well as heating and the provision of UV light.
- The regular costs of keeping a primate include provision of food. Primates have a specialised diet which can be costly to provide.
- Specialist veterinary care is needed for primates, which can be costly.
- In the case of a larger collection, such as at a zoo, rescue centre or large private collection, significant staff resources will be needed.
- A number of responses stated that costs of keeping will vary between species due to each species having unique needs.
- A number of responses also stated that many primate pet owners are unable to meet the costs of keeping a primate and as a result neglect their needs.
- Two rescue organisations provided evidence of charges made for providing boarding to confiscated primates to a suitable welfare standard as ranging from £8.50-£15 per day, depending on the size of the primate.
- The British and Irish Association of Zoos and Aquariums (BIAZA) provided example data from a specialist keeper showing the weekly cost of caring for a primate. This data is reproduced in Annex B.

Q7. How long primates are kept, change in ownership and abandonment

“Once the specimen is taken home the member of public soon realises that they have a pungent odour, urinate over their hands to scent mark and leave a sticky residue wherever they climb and often bite and become aggressive once they reach adolescence.”

Specialist Wildlife Services

The majority of evidence and comments received in response to this question concerned primates kept as pets in domestic environments:

- Evidence provided by rescue centres and welfare groups suggests that primates they encounter that are kept in a domestic environment are typically rehoused multiple times over the course of their lives.
- For example, 10% of capuchin monkeys rescued by Wild Futures had only been in one home before moving to the rescue centre, while 81% had been in two homes.
- Online adverts with primates for sale also point to primates being rehomed. Reasons for sale often include a new job, lack of space or owners having a baby.
- It was also reported that primates are often rehomed as the animal reaches adolescence and becomes more challenging and aggressive toward its owner.
- Many owners without knowledge of primates soon realise they are unsuitable to be kept as pets, for example due to scent marking, and realising that they need company of their own kind.
- Some evidence suggested that marmosets are more commonly rehomed than the larger primates. Inexperienced owners take on marmosets and soon realise they are unsuitable as pets and seek to give them up. The larger primates often need DWAA licences, which may act as a deterrent in the first place.

We also received evidence and comments about specialist private keepers:

- Movement of primates is generally from keeper to keeper, or between private keepers and zoos.
- Species which are held by specialist keepers are often part of conservation programmes, such as the European Endangered Species Programme (EEP) and European Studbook (ESB), and may be requested for breeding.
- One respondent provided evidence of a mongoose lemur being transferred from a specialist keeper in the UK for release back into the wild in Madagascar.

Q8. Code of Practice

“Whilst providing a useful framework for preparing prosecutions, the Code has clearly failed to meet the government’s objectives of restricting ownership of primates to ‘zoos, scientific institutions and specialist keepers’ and to ‘reduce the numbers of such animals handed over to specialist rescue sanctuaries’.” RSPCA

This question sought evidence on retaining the existing welfare Code of Practice for the Welfare of Privately Kept Non-human Primates (the Code). The majority of comments we received stated that the Code was ineffective. Examples of arguments put forward included:

- While the Code can be used in court to provide evidence for a prosecution under the Animal Welfare Act 2006 failing to adhere to the Code in itself is not an offence¹.
- The perception is that the existing legislation covering primates is unclear or ‘fuzzy’. There is a perception that there are many loopholes and gaps in the law. An example of a gap in the law that was raised is that there is no legislation specifically regulating non-commercial private breeders².
- There is the view that the Code is too general and does not provide species-specific guidance. As a result it is open to interpretation. Expert interpretation is needed to implement the Code.
- There is a perception that there is a low level of compliance with the Code and existing legislation is rarely enforced. Many local authorities, owners and breeders may be unaware of the existence of the Code.
- For example, when Wild Futures submitted Freedom of Information requests to local authorities about DWAA licences they asked ‘In order to be granted DWAA licences for primates, must applicants demonstrate that they meet the conditions laid out in the Code of Practice for the Welfare of Privately Kept Non-human Primates?’ In 2018, 210 local authorities answered ‘Yes’, 64 answered ‘No’ and 70 answered ‘Unknown’.
- Respondents stated that since the Code was introduced in 2009, it has failed to deliver improvements in primate welfare.
- Since the Code was introduced, there has not been an observed reduction in the practice of keeping primates as pets. Respondents stated that there is evidence to suggest that the domestic trade in pet primates is increasing.

¹ This is the case with all the welfare codes and is the legal basis of how they work.

² Non-commercial breeders of primates are still covered by the requirements of the Animal Welfare Act 2006.

- The welfare standards set out in the Code are below those required by zoos. Welfare standards should be the same for all primates irrespective of the setting.
- Some respondents stated that due to a primate's complex and specialised needs, their welfare needs can never be met in private ownership, and no amount of regulation will ever adequately protect them.

Some comments were received in support of aspects of the Code, and made suggestions for how the Code could be improved. Arguments put forward included:

- The Code is robust and comprehensive however it is rarely enforced.
- The Code should be retained but updated with species-specific guidance.
- Some respondents stated that effectively, it is already unlawful under the Animal Welfare Act to keep a primate in a domestic environment because it is almost impossible to meet their welfare needs in such an environment³. Respondents commented that further legislation would be disproportionate given the relatively small numbers involved and the difficulty of enforcement. One approach could be to properly enforce existing legislation. This could be combined with a publicity campaign to raise public awareness about the unsuitability of primates as domestic pets.

³ Anyone keeping a primate in these conditions would be committing a breach of either section 4 or 9 of the Animal Welfare Act.

Q9. Impact of restrictions

“Freedom for Animals is in favour of an outright ban on the trading and keeping of all species of primates as pets along with a centrally administered ‘grandfather clause’ licensing scheme that would permit those already in possession of primates to keep them, but not breed or trade them, subject to regular inspections.” **Freedom for Animals**

The main restrictions suggested in responses were a ban on keeping primates, a ban on primate sales, a ban on breeding primates and a licensing regime. Many responses suggested combining two or more of these restrictions. A large number of responses suggested the need for a ‘grandfather policy’ excluding existing privately kept primates from any ban on keeping. Comments provided in relation to licensing and registration regimes are summarised together under Q10.

Ban on keeping

A ban on the keeping of primates as pets was the preference most commonly cited by respondents:

- Most respondents who expressed a view supported a ban on keeping primates as pets in a domestic environment, and believed a ban would have a positive impact on primate welfare.
- Some respondents stated that private collectors should not be included in such restrictions as they provide care for their primates at or above the standards required by the Zoo Licensing Act 1981, and are seen as a valuable part of the zoo community. Some are part of conservation programmes (e.g. EEPs and ESBs) and some provide valuable services taking on primates that are elderly or have been ostracised from social groups.
- Some respondents advocated for an outright ban on the private keeping of primates, arguing that this would remove grey areas and make it clear that it is unacceptable to keep a primate as a pet. Caveats such as licensing regimes for certain keepers create grey areas which allow the practise to continue.
- A small number of respondents stated that punitive restrictions on the private keeping of primates would be counterproductive, driving primate keepers underground and resulting in appropriate veterinary services or re-homing resources not being sought for fear of being reported to the authorities
- A few respondents mentioned the system in Belgium, where a ‘positive list’ of mammals which are legal to keep as pets was created, with all mammals not on the list banned as pets. Respondents stated that they believed the legislation is effective and that there is a high level of compliance due to strong support from the general public. Because it is very clear to the general public which animals are and

are not allowed to be kept, the public is vigilant in reporting any breaches to the authorities.

Grandfather policy

Almost all respondents in support of a ban on keeping primates stated that a grandfather policy would be needed:

- A grandfather policy would mean that owners keeping primates at the time new restrictions come into force would be allowed to continue keeping their animals for the remainder of their lives.
- There is very limited capacity across the primate rescue sector to take in additional primates: in the event of implementing a ban on keeping primates, rehoming all individuals formerly kept as pets would be impossible.
- Most respondents stated that a grandfather policy would need to be combined with a licensing or registration regime to check on these primates' welfare, as well as a ban on trade and breeding to ensure primate numbers do not increase.
- A few respondents stated that a grandfather policy licensing system could result in primate abandonment, for example if it were too expensive. Strict licensing could drive the keeping of primates underground and reduce access to veterinary care.

Ban on sales

Arguments were put forward by some respondents in relation to a ban on the sales or trade of primates:

- Most respondents advocated a ban on the sale of primates in combination with a ban on ownership.
- A ban on the sale and trade of primates would ensure no new primates enter the system, and that primates already held as pets could not be sold on.
- A ban on the sale and trade of primates would mean it would become impractical for private breeders to continue breeding their primates.
- Preventing potential primate owners from acquiring pets through a sales ban would have a positive impact on primate welfare.
- An outright ban on sales and trade eliminates ambiguity about whether or not keeping a primate is acceptable.
- The RSPCA stated that in order to be effective, a ban should apply to all sales of primates. It should not be limited to sellers that local authorities deem to meet the

'business test' threshold in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

- While specialist keepers who responded stated that a ban on keeping should focus on domestic pet keeping, many were in favour of an outright ban on the commercial trade in primates. Specialist keepers and associated membership organisations who responded stated that keepers acquire primates via separate channels to domestic pet owners, and transfers between specialist keepers do not usually involve exchange of money.
- A few respondents stated a ban on sales and trade as their preferred primary option, as it would prevent new animals entering the system and result in an orderly reduction in numbers.
- Some respondents stated that a total ban would create an illegal, underground domestic trade in primates, or could even fuel demand. Others pointed out that the domestic trade is effectively underground already, and that bans on keeping primates as pets in other countries have not seen problems with an underground trade.

Q10. Licensing and registration regimes

Responses raised four main potential different types of licensing regimes.

General pet primate licence

Respondents were generally against a general 'primate pet licence', functioning as a licensing scheme for pet primates. Arguments put forward included:

- Primates' welfare needs cannot be met in a domestic environment and so a ban would be the only way to guarantee primates' welfare.
- General licensing appears to give a message of approval of keeping primates as pets which could encourage the practice, and also would not effectively target non-compliant keepers.
- A licensing regime would be complicated and expensive to enforce.
- One rescue organisation provided evidence to suggest that there are lower instances of neglect among DWAA primates (e.g. capuchins) than among non-DWAA primates (e.g. marmosets), suggesting that the DWAA licensing regime provides enough of a deterrent to potential keepers without the resources to properly care for their primate. A licensing scheme for all pet primates could reduce the number of primates entering the pet trade.

Licensing to enforce any grandfather policy associated with a ban on private ownership of primates

Many respondents were in favour of a grandfather policy and stated that registration or licensing would be needed to monitor these primates' welfare:

- Respondents were generally of the view that a grandfather policy would need to be combined with licensing of these individuals in order to be effective.
- Some respondents stated that individuals keeping primates under a grandfather policy would need to be subject to 'strict' licensing conditions and regular inspections.
- Some respondents stated that owners would need to meet 'minimum standards' in order to maximise these primates' welfare for the remainder of their lives.
- Many respondents stated that these primates should not be allowed to be used for breeding, and a few stated that all these primates would need to be sterilised.
- A few respondents suggested that mandatory primate microchipping could be used to monitor the privately held primate population that remains in England under any grandfather clause after any ban.

- Some respondents stated that a set time frame should be allowed to give owners time to register or license their primates and implement changes.
- A few respondents stated that rehoming of pet primates to primate rescue centres should be encouraged, and that the Government should work with primate rescue centres to identify where there is capacity for animals to be rehomed.

Licensing for primates in private ownership with zoo-standard welfare

Comments were also received on a potential licensing regime for primates in private ownership with standards of welfare meeting the requirements of the Zoo Licensing Act 1981 (ZLA):

- There are some private primate owners providing their primates with welfare conditions at or above those required by the ZLA, for example some specialist keepers.
- Some respondents expressed support for using standards required by the ZLA for all keepers of primates, irrespective of whether they are a zoo, rescue centre or specialist private keeper.
- Mention was made of accreditation schemes which already exist. A few specialist keepers are accredited BIAZA Associates, a status which requires regular inspections by BIAZA.
- One respondent stated a preference for enforcement by the Secretary of State's zoo inspectors, rather than by local authorities.
- Some respondents were against this type of licensing, stating that exceptions and caveats endorse keeping primates, and that there should be a total ban on the private keeping of primates, rather than a licensing regime.

Rescue centres

The need for licensing of primate rescue centres was also raised:

- It was generally recognised that rescue centres play an important role in caring for displaced primates from the pet trade.
- There was agreement that rescue centres should be exempt from any ban on the keeping of primates. Responses stated that it would be important that primate rescue centres are not adversely affected by any reforms.
- As it stands there is currently no legal definition of a primate rescue centre. Many rescue centres meet the definition of a zoo under the ZLA and so hold a licence under the ZLA, but some rescue centres do not meet this definition of a zoo and are unlicensed.

- A number of respondents stated that it would therefore be important to bring in licensing of rescue centres to ensure high standards across this sector.

Q11. Impact on rescue centres

“Rescue centres and sanctuaries are presently struggling to cope with the demand on their resources. We would anticipate an initial surge in this demand which can be mitigated by a ‘grandfather clause’” **Wild Futures**

Comments received in relation to the impacts of restrictions on keeping primates as pets included:

- There was general agreement among respondents that a ban on keeping primates as pets has the potential to cause a surge in numbers of primates needing to be rehomed by rescue centres and zoos. There was strong agreement that a ‘grandfather policy’ would be needed to ease demand, as existing owners would be allowed to continue keeping their primates for the remainder of the primate’s life.
- There were differing views on the extent to which a grandfather policy would limit the numbers of primates needing to be rehomed. Some responses indicated that while a grandfather policy would ease the burden, there could still be significant numbers of primates needing to be rehomed, for example if new licensing and inspections were seen to be onerous. Others stated that abandonment could be negligible, citing the existing ‘dire situation’.
- Information was provided of similar bans in other European countries, where there had been an initial surge in numbers of individuals being rehomed to rescue centres, followed by a reduction in demand for their resources, as the practice of keeping these animals is phased out.
- There is currently very limited capacity across the primate rescue sector to take in additional primates⁴. Both Monkey World and Wild Futures stated that the number of primates they are able to rescue is currently limited by their capacity. Monkey World has a waiting list numbering around 100. Some smaller primate rescues indicated they have capacity to take on small numbers of primates.
- A few responses stated that additional funding would need to be provided to rescue centres to allow them to meet the surge of primates needing to be rehomed that reforms would cause.
- A few responses indicated that rehoming of pet primates kept in a domestic setting to rescue centres should be proactively encouraged by the Government, with a network of rescue centres around the country established to help prioritise the animals most in need. Some responses expressed concern for the potential for young animals held under a grandfather policy to be kept in poor conditions for a long period of time.

⁴ We are aware of fewer than ten rescue centres in England which take in primates.

Q12. Exemptions

Comments were received in relation to a range of proposed exemptions:

- There was general agreement that zoos licensed under the Zoo Licensing Act 1981 should be exempt from any reforms. The major primate rescue centres fall under the definition of a zoo, and are licensed as such, and so would also be exempt under this criteria.
- There was agreement that primate rescue centres and sanctuaries would need to be exempt from any reforms. For those rescue centres and sanctuaries that are not classed as zoos under the Zoo Licensing Act 1981, respondents stated the importance of ensuring these organisations are not negatively impacted. A number of responses advocated implementing regulation of primate rescue centres.

There was disagreement among responses about whether an exemption should apply to primate owners keeping their animals in a standard equivalent to those required by the ZLA (primarily specialist keepers):

- Some responses stated that there should not be a distinction between specialist keepers and private pet owners⁵, arguing that differentiating between the two creates confusion and results in enforcement being more difficult and less likely.
- One response suggested that private keepers with good enough standards should apply for a zoo licence. However we also received comments from private keepers and sanctuaries who stated that they do not want to become zoos, which would require their collections being open to the public for at least seven days in a 12 month period.
- Some responses stated that there should be an exemption for specialist keepers with welfare standards meeting those required by the ZLA, but expressed support for regulation of this sector. We received comments about a number of accreditation schemes which already exist for private keepers, such as BIAZA and the European Association of Zoos and Aquaria (EAZA).
- Some respondents stated that private keepers and private sanctuaries can provide vital care for captive or rescued individuals. Others stated that private keepers contribute to the conservation of endangered species through EEPs and ESBs.

Some comments were received on whether licensed sanctuaries and keepers should be banned from breeding their primates:

- One respondent stated that breeding should not be prevented by exempted premises, and that there should not be forced sterilisation of individual primates. For

⁵ Legally, all primates in private ownership are classed as 'pets'.

example, captive breeding programmes are important for the conservation of a species.

- Controlled breeding is also used by some zoos and sanctuaries to stabilise social structures in a troop.
- There were mixed views on the extent to which private keepers contribute to conservation efforts. Many membership organisations and specialist keepers stated that they contribute toward EEPs and ESBs. However, the BVZS stated that there is consensus among its members that privately bred and kept primates do not in general contribute to the EEP or to the conservation of a species in general.

Q13. Enforcement

“Regulations should provide powers for effective enforcement where breaches take place, including illegal sales, keeping or breeding of primates. This should include powers to inspect where there is a suspicion of illegal activity taking place. Powers to seize animals should also be included, as is the case with the Dangerous Wild Animals Act 1976. A clear route for members of the public to report suspected illegal activity, and an effective publicity campaign to raise awareness of the Regulations is also recommended to enhance efficacy.” **RSPCA**

A range of comments and views were received on penalties:

- Almost all respondents who expressed a view were in favour of criminal penalties for any breaches. The majority suggested penalties should be in line with those already set out in the Animal Welfare Act 2006.
- A number of respondents expressed support for provisions for powers of entry and seizure, as is the case with the Dangerous Wild Animals Act 1976.
- Some responses suggested that proactive enforcement would be needed due to the underground nature of the domestic trade.
- A few responses advocated better enforcement of the Animal Welfare Act 2006, rather than creating new legislation and sanctions.

Comments were also received on inspection arrangements:

- Some respondents stated that enforcement should be carried out by local authorities and police. Others stated that a centralised inspectorate should carry out inspections and enforcement, with some suggesting expanding the zoo licensing inspectorate to cover primates.
- The existing inspections under the DWAA were criticised by a number of respondents. There is a perception that there is a lack of resource, lack of thorough checks, inconsistency across local authorities and lack of expertise of inspectors. Some were concerned that if these issues existed with a new primate inspections regime, the welfare concerns around primates as pets would not be addressed.
- Those who mentioned local authority enforcement stated that correct training and resources would be needed, and expert advice disseminated to enforcing bodies. Some respondents suggested that many vets who carry out inspections have little knowledge of exotic animals due to the focus of many veterinary courses and that vets inexperienced in primates can contribute to the problem of poor primate welfare. One response recommended that local authorities should be required to employ ‘expert’ inspectors, either zoo inspectors, specialist vets or both.

Q14. Costs of restrictions and fees

Views put forward in relation to costs included:

- The cost of any licence should be minimal, but sufficient to cover administration and inspections costs. All who expressed a view agreed that such costs should be borne by the primate owner.
- The cost of a licence should be affordable so as to encourage compliance.
- Some respondents stated that in particular any licence costs associated with a grandfather policy should be very affordable to ensure compliance.
- A few respondents stated that there should be no additional fees if owners already hold a Dangerous Wild Animals Act licence.
- A few respondents stated preference for enforcement via a centralised inspectorate rather than local authorities, so as to allow for flat charging across the country and to ensure reasonable cost. A number of responses criticised the enforcement of the Dangerous Wild Animals Act, where there is the perception of inconsistency in approach across local authorities, including in costs of licences. Large variation in licence costs encourages non-compliance.
- Some respondents stated that there should not be a licensing scheme, as their preferred option was a complete ban on keeping primates as pets.

Other areas of evidence

Conservation

A number of comments around conservation were brought up in responses:

- There was generally strong agreement that primates kept as pets in England do not come from wild populations, and that most are captive bred in the country. The keeping of primates as pets is therefore not a direct conservation issue.
- However, a number of responses stated that keeping primates as pets in the country can indirectly cause problems for conservation efforts abroad.
- Some argued that by allowing primates to be kept as pets it fuels demand in other countries and can hamper conservation efforts abroad. For example, seeing primates kept as pets in the UK on social media could encourage individuals in other countries to acquire a primate as a pet, where it is more likely to be from a wild source.

Human health and safety

- A few responses stated that keeping primates as pets is a public health problem due to the danger to human health through zoonotic disease.
- Primates can also be dangerous and aggressive, especially as they get older. A number of primates are covered by the Dangerous Wild Animals Act 1976.

Government response

The Government wishes to thank all those who responded to the Call for Evidence. The evidence and views provided by stakeholders and respondents have been considered very carefully. We welcome the strong support for reform in order to address the welfare of primates as pets. The Government will therefore take forward a public consultation on the welfare of primates as pets. The consultation is published alongside this summary on GOV.UK.

Summary of abbreviations

APHA – Animal and Plant Health Agency

BIAZA – British and Irish Association of Zoos and Aquariums

BVA – British Veterinary Association

BVZS – British Veterinary Zoological Society

CITES – Convention on the International Trade in Endangered Species

DWAA – Dangerous Wild Animals Act 1976

EAZA – European Association of Zoos and Aquaria

EEP – European Endangered Species Programme

ESB – European Studbook

RSPCA – Royal Society for the Prevention of Cruelty to Animals

Spp. – *Species pluralis*; refers to multiple species

ZLA – Zoo Licensing Act 1981

List of organisations who responded

Animal Advocacy and Protection

Animal Defenders International

Animal Protection Agency

Ape Alliance

British and Irish Association of Zoos and Aquariums

Blue Cross

Born Free

British Veterinary Association

British Veterinary Zoological Society

Companion Animal Sector Council

Four Paws UK

Freedom for Animals

International Fund for Animal Welfare

Monkey Forest

Monkey World

Neotropical Primate Conservation

PETA UK

Primate Society of Great Britain

Lindsay McKenna Ltd

Pupils 2 Parliament

RSPCA

Specialist Wildlife Services

Sustainable Users Network

Tropiquaria Zoo

Twycross Zoo

Wild Futures

Annex A – Life span data

Life span data provided by Monkey World.

Common name	Average life span (years)
Common marmoset	12
Geoffrey's marmoset	12
Unknown/hybrid marmoset species	12
Black-eared marmoset	12
Cotton-top tamarin	14
Squirrel monkey	21
Capuchin monkey	40
White-faced saki monkey	25
Woolly monkey	26
Black-handed spider monkey	30
Ring-tailed lemur	25
Greater spot-nosed guenon	20
Golden-cheeked gibbon	35
Chimpanzee	50

Annex B – Primate keeping costs

A rough estimate of the cost of maintaining a small group of small primates, as provided by one of BIAZA's Accredited Associates. These are purely illustrative figures which in practice will be subject to a degree of variation, which may be significant. They suggest a weekly minimum baseline figure of around £130 for the basic requirements listed.

Item	Cost	Weekly cost
Pellet	£65/ bag = £130/year	£2.50
Livefood	100g/week	£5.00
Produce	£3/day	£21.00
Lighting	£30/lamp = 3 lamps per year	£1.15
Heating	Underfloor and radiant heating	£30.00
D3 in oil	£20/bottle = 4 bottles per year (short shelf life)	£1.50
Faecal screening	£10 every 6 months	£20.00
Probiotic	£10 per pack (4 packs per year due to short shelf life)	£0.77
Supplements	£6.29 per pot (2 pots per year)	£1.04
Staffing	Approx 30 minutes per day total = 3.5 hours/week@£10/hour	£35.00
Enrichment	Various	£5.00
Cleaning products	Various	£5.00
Gum arabic	£13.62 per pot, 3 pots used per year	£0.78
Total estimated cost per week		£128.74