



PRIMATES AS PETS IN THE UNITED KINGDOM

DEFRA Consultation Response
February 2021

ALAW – Primates in the United Kingdom – Response to DEFRA consultation questions

Question 1: would you like your response to be confidential

No

Question 2: What is your name?

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

On behalf of the UK Centre for Animal Law (“A-Law”).

Question 5: Which best describes your organisation?

A-Law exists to promote knowledge and education about the law relating to animal protection, as well as more effective enforcement of relevant legislation. We seek to be a source of objective, independent legal analysis on animal protection law issues. Whilst legal topics are often complex, it is our job to explain them as clearly as possible, so as to increase the effectiveness of UK animal protection organisations collectively and to promote informed public debate. We are registered as a charity in England and Wales and are politically neutral.

In addition to publishing legal analyses to inform public debates, we provide animal protection organisations with access to high quality legal advice to assist their work. We also promote the teaching of animal law in UK universities.

A-Law is led by lawyers – predominantly practising solicitors and barristers – and works closely with legal academics. This present submission is the product of a working group made up of two practising solicitors, an attorney (U.S. qualified), a law student, and A-Law’s (non-practicing) barrister chairperson.

For further information about us, or to access our online resources, please see our website:

www.alaw.org.uk.

Question 6: Do you agree that the Government should introduce a new prohibition on keeping primates privately in England which also applies to breeding, acquiring, gifting, selling or otherwise transferring primates apart from/to persons licensed to keep primates to zoo-level standards?

A-Law is dedicated to the promotion of animal welfare; therefore, we believe that the welfare of primates should be a foremost consideration when determining their suitability and prospective status as pets. A-Law supports a prohibition on the private keeping, breeding, acquisition, gifting, selling or transfer of primates.

We note that animals owned by UK citizens retain the legal status of property. Historically, property rights have been a paramount consideration. Until Martin's Law of 1822, the state had no power to interfere with the property rights of an owner over his animal, even in cases of deliberate and unnecessary abuse. Today, significant inroads have been made into ownership rights over an animal, and owners are prohibited from causing unnecessary suffering and are subject to welfare obligations towards their animal.

However, we do not have unqualified rights to ownership and trade of animals, which may legitimately be balanced against other policy considerations. In the case of ownership of primates, there are powerful animal welfare considerations to be weighed in the balance¹, as well as potential dangers to public safety and zoonotic disease risks.

'Primates' refers to animals from 190-448 species (depending on the method of classification) living across five continents and mostly found in tropics.² Concerns about keeping primates as companion animals have existed for as long as they have been kept, and have only increased since. International trade in these species also steadily increased until 2015, after which data is lacking but estimates are similar.³⁴⁵ All species in this diverse group are wild, and attempts to domesticate them are harmful to their well-being.

A comprehensive study of primates kept as pets in the United Kingdom discovered many welfare, health, and environmental concerns.⁶ The study, completed by leading voices from the University of Bristol School of Biological Sciences and the RSPCA, concluded based on extensive research that primates are not suitable as pets, because, among other reasons, their welfare needs could not be adequately addressed in the average domestic setting.

¹ Born Free Foundation. Pet Shop Primates: An investigation into the sale of Non-Human Primates by Licensed Pet Shops in England. 2014. Available online; RSPCA. Do you give a Monkey's? The need for a ban on pet primates. Available online.

² Primates Linnaeus, 1758. Global Biodiversity Information Facility, <https://www.gbif.org/species/113396646>.

³ Norconk, M.A. et al., Reducing the primate trade: Actions for primatologists. *American Journal of Primatology*. Vol. 82, Issue 1, 2020.

⁴ Nijman, Vincent & Nekaris, K. Anne & Donati, Giuseppe & Bruford, Michael & Fa, J. E.. (2011). Primate conservation: Measuring and mitigating trade in primates. *Endangered Species Research*. 13. 159-161.

⁵ Elwin, A. et al. On the Record: An Analysis of Exotic Pet Licences in the UK. *Animals*. 2020; 10(12):2373.

⁶ Soulsbury, C.D. et al., The Welfare and Suitability of Primates Kept as Pets. *Journal of Applied Animal Welfare Science*, Vol. 12, Issue 1, 2009.

The study uses the research model of Schuppli & Fraser⁷, which looks at three main criteria to determine the suitability of a species as companion animals. The criteria are a) the welfare of the animal; b) the welfare of others (i.e. humans, other animals); and c) the welfare of the environment. We will look at these main concerns in turn.

A) The Welfare of the Animal

Schuppli & Fraser assessed the welfare of exotic pets using the following factors:

1. Freedom from hunger, thirst, malnutrition;
2. Freedom from disease and injury;
3. Freedom from physical forms of thermal discomfort;
4. Freedom from fear, distress, and negative psychological states; and
5. Freedom to carry out normal behaviours.

It must be noted at the outset that all welfare considerations must be covered for the animal's entire life; this poses further difficulties for private domestic owners as primates have long lives.⁸ Owners may lose interest in the animal, or may not be able to commit to the animal for its entire lifespan. Few pet owners make arrangements for their dogs or cats in the case of the owners' death or inability to care for them. Imagine how much more difficult it is for a civilian owner to make arrangements for a primate, who can live for decades, depending on the species. Indeed, according to the Jane Goodall Institute UK, captive primates can live 50-60 years.⁹ Animals' well-being in organisations such as zoos and sanctuaries do not rely on the survival of a caretaker, and it is not at risk from the possibility of a caretaker tiring of being responsible for the animal.

Zoos do not accept former pets, and while some unwanted primates will find homes in sanctuaries, most end up being resold over and over or sent to laboratories.¹⁰

Regarding most, if not all, exotic species, welfare concerns stem from most prospective owners' lack of necessary knowledge about the animal's care requirements. Inadequate knowledge of the species caused problems with all listed welfare considerations in the study. Many primate owners do not realise that young primates, unlike dogs and cats, need 24-hour care, and unlike a human baby, they can move around and cause damage on their own.¹¹

⁷ Schuppli, C. A., & Fraser, D., A framework for assessing the suitability of different species as companion animals. *Animal Welfare*, Vol. 9, 2000.

⁸ Soulsbury, *supra*.

⁹ Chimps as Pets: The Reality. Jane Goodall Institute UK.
<https://www.janegoodall.org.uk/chimpanzees/chimpanzee-central/15-chimpanzees/chimpanzee-central/28-chimps-as-pets-the-reality>

¹⁰ Mott, Maryann. "The Perils of Keeping Monkeys as Pets." *National Geographic*, September 16, 2003.

¹¹ *Id.*

Primates require a specific diet, with specific requirements. Poor and/or inappropriate diets for primates posed a common problem.¹² Owners did not know, or care, that their pet needed to eat certain foods in certain quantities, some even distractedly providing fish fingers instead of fresh produce.¹³

Furthermore, the example of the New-world monkey shows that even if a primate receives the proper diet, an owner's lack of knowledge about their specific nutritional needs can still cause health issues in serious ways.¹⁴ The New-world monkey needs high levels of vitamin D3, especially when they are fed the proper diet, as it lacks this vitamin. This monkey therefore needs lots of sunlight - which is difficult to obtain when in the UK in general, but especially when kept indoors, as the monkey would undoubtedly be in a private home. Also, many owners enjoy dressing their primate pets in human clothes, providing another barrier to the absorption of sunlight. With this monkey, we see that even if an owner has some knowledge about how to feed their new pet, the animal's well-being is still in jeopardy without, at the very least, expert specialist care.

Inappropriate diet not only causes nutritional disorders, but it also increases susceptibility to diseases - including diseases of human origin.¹⁵ Fatal transmission of common diseases from humans to primates have been noted.¹⁶ A 2004 RSPCA study analysed data from 190 veterinarians in England & Wales, finding that primates accounted for 3.5% of the exotic pets they had treated.¹⁷ This figure is out of proportion to the number of primates known to be kept in the UK, demonstrating a serious problem in the well-being of pet primates. (The surprisingly large figure also demonstrates the lack of reliability with the numbers of pet primates, given the legal loopholes and illegal holdings.)

As for their environments, primates require specific temperatures, humidity, and light levels not found or possible in average private homes. Inappropriate conditions, such as temperature fluctuation and lack of access to sunlight, can lead to health problems¹⁸, as we saw above with the new-world monkey. Also, primates need space. Some small species like marmosets need 0.4 km² of range, while larger primates may need hundreds of kilometers in which to roam freely. It is likely that enclosures or cages in private homes would be inappropriate for the animal. And if given freedom of movement in the home, that poses a danger to the humans and other animals in the house, proving that without sufficient knowledge of how to care for primates and sufficient means of employing that knowledge, pet primates virtually cannot be kept in private homes and have their welfare needs met.

¹² Soulsbury, at p. 8.

¹³ Garrod, Ben. "No more monkey business: why primates should never be pets." *The Guardian*, February 28, 2016.

¹⁴ Soulsbury, at p. 8.

¹⁵ Johnson-Delaney, C. A. (1991). The pet monkey: Health care and husbandry guidelines. *Journal of Small Exotic Animal Medicine*, 1, 32-37.

¹⁶ Huemer, H. P., et al. (2002). Fatal infection of a pet monkey with Human herpesvirus 1. *Emerging Infectious Diseases*, 8, 639-641.

¹⁷ RSPCA (Royal Society for the Prevention of Cruelty to Animals). (2004). *Handle with care. A look at the exotic animal pet trade*. Horsham, UK.

¹⁸ Soulsbury, at p.9.

The crucial welfare concerns of diet and environment are often discussed, but the freedom and ability to have social interactions and express normal behaviours are just as crucial. Those who are not zoos or sanctuaries rarely want more than one or two primates to care for, and so pet primates often show behavioural problems due to being the lone primate of their species in their home. They also develop behavioural problems from being separated from their families at a young age.¹⁹ As with most pets, owners prefer to acquire them very young, which means they were separated from their mother and unable to form necessary bonds and learn necessary behaviours, leading to long-term psychological problems. For older primates, being kept alone caused serious problems as well, including self-harm and coprophagia, and even decreases in leukocyte levels.²⁰

Primates do not only need to interact with their mother and their relatives; they also need peers. In 2015, Jane Goodall, the world famous primatologist, ethologist, and anthropologist, submitted an affidavit on behalf of a chimpanzee being held in captivity by a private citizen.²¹ The foremost expert in her field, having begun her field research on chimpanzees and baboons in 1960, Goodall wrote about her extensive knowledge of primates' duties and responsibilities to their families and communities, in support of the petition to free this chimpanzee from his life as a private citizen's pet. Female chimpanzees carry their young, build nests large enough to hold them both, and continue to care for children as they grow up. Mothers will rush to a child who gets injured in play, reprimanding a rough playmate even though more dominant mothers may retaliate. Mothers also help fully grown offspring in various situations. Males parent in a communal way, protecting children regardless of who the biological father is. Juveniles and adolescents act responsibly toward their siblings. All chimpanzees, regardless of sex or age, have these strong social bonds that they need to develop and express; the poor animal who was kept in a private home, with only a television for company, was not able to live the life he was supposed to be living.

Mary Lee Jensvold, the former director of the Chimpanzee and Human Communication Institute at Central Washington University, shared similar expertise about how vital community is to primates.²² Chimpanzees play important roles in their communities. Social dynamics in primate communities are all about interplay between individuals: There will usually be one dominant male, but he can only hold that position with the support of the other males. The dominant male has a sense of duty to those who support him, and his primary supporter will receive grooming, access to meat, and access to females in return. Males are highly protective of their communities, going to great lengths to defend them.

Although Dr. Goodall's and Dr. Jensvold's arguments pertained to chimpanzees, the behavioural evidence they shared is true of most if not all primates in general.²³

¹⁹ Johnson-Delaney, *supra*.

²⁰ Soulsbury, at p.10.

²¹ Jane Goodall affidavit. In the matter of The Nonhuman Rights Project Inc., on behalf of Tommy, against Patrick C. Lavery. Supreme Court of New York, 2015.

²² Mary Lee Jensvold affidavit in sister case to the above. In the matter of The Nonhuman Rights Project Inc., on behalf of Kiko, against Carmen Presti. Supreme Court of New York, 2015.

²³ Dr. Bill Sellers, Primate Behaviour Lecture. University of Leeds Faculty of Biological Sciences. Available at: <https://www.leeds.ac.uk/chb/lectures/anthl_11.html>

Importantly, evidence confirms that primates' duties to each other will outweigh those shown to human caregivers, no matter how fond they are of the human. If a chimpanzee displays signs of being hurt or offended by a human caregiver, the others will always come to that animal's side to show support and make aggressive noises at the human - regardless of any animal's strong relationship with that human.²⁴ Also, human owners may see any aggression or unwanted behaviour as a reason to beat or otherwise harm the animal. As primates grow older, they become stronger and more unpredictable, leading human owners to use cruel means to try to tame them. Sanctuaries have reported receiving primates whose previous owners beat, shocked, and confined them, and also primates whose owners removed their teeth and nails.²⁵ But primates are wild animals, and no amount of beating changes that.²⁶

In a policy paper discussing great apes from the perspectives of both science and ethics, the Animals & Society Institute concluded that keeping primates in captivity is a violation of both their physical and psychological well-being.²⁷ The paper detailed how primates who have been held in captivity have developed PTSD as defined by the official DSM IV-TR criteria for mental health. While the paper focused on apes used in laboratory research, the commentary on the captivity of the animals, not just the experimentation, proves instructive here: "It is not only the act of experimentation but also the forced confinement imposed on chimpanzees that forms a fundamental ethical breach."²⁸ These animals were confined, often separated from similar beings, and prohibited from enjoying their natural lives as they would outside of this human-controlled setting. The constraints are similar to those found in private domestic homes.

Primates need the freedom to express their natural behaviours, and to grow and develop their strength without being beaten, without being punished, without being caged indoors. Being held as pets takes the primary features of their lives away. It also creates a potential environment for the animals to endanger humans.

B) The welfare of others

Primates are ill-suited to living in close contact with humans. When considering welfare concerns related to pet primates, humans must recognise that pet primates pose a potential danger to the humans themselves. The animals may pose a physical threat to human health, in terms of zoonotic disease risk if health precautions are not followed, as well as physical attacks on humans, which are not related to the size of the primate.²⁹

The risk of physical attacks must be taken seriously, as displays of aggression are not rare or unusual, but are normal behaviours that primates need the freedom to express. Human children are at increased

²⁴ *Id.*

²⁵ Mott, Maryann. "The Perils of Keeping Monkeys as Pets." National Geographic, September 16, 2003.

²⁶ *Id.*

²⁷ Capaldo, T. & Bradshaw, G.A., The Bioethics of Great Ape Well-Being: Psychiatric Injury and Duty of Care. Animals & Society Institute Policy Paper, 2011.

²⁸ *Id.*, at p. 6.

²⁹ Soulsbury, at p. 11.

risk, since in the wild primates direct aggression to smaller members of their group. Other pets in a household are of course at risk as well. Aggression is how primate groups create and maintain social hierarchy. Aggression increases during puberty, and if the primate is in captivity as a pet, it will be directed at their owner.³⁰ This is possible no matter how loving the relationship. Indeed, a long-term expert owner in the United States reported that one of her capuchins, one she had for 7 years, suddenly attacked her with no provocation or apparent reason. This is an owner who provides instruction to other owners on proper care for primate pets, and said she was aware that primates can act this unpredictably and violently no matter how they were treated or reared in a private home.³¹ This same owner said she regrets having pet primates, because seeing their depression when they don't receive enough attention was so upsetting.

The reason primates are so often used in biomedical research - their biological and physiological similarity to humans - is the same reason why diseases have easy transmission potential between humans and primates, in both directions.³² Surveys of pet macaques showed they had antibodies to several human pathogens, and more than half had human-derived parasites. An outbreak of drug-resistant *Shigella* and *Salmonella* in humans was traced back to primate pets. A plethora of serious infectious pathogens, including Ebola, originate from or are harboured in primates. With the high likelihood of being bitten, and the close contact a pet affords, disease transmission is a serious public health concern.³⁴ For legal imports, certain diseases are screened for, but illegal importation allows diseases, including new ones that could be devastating to human populations, to enter a country. While the DWAA license for certain primates is conditional on "all reasonable precautions" being taken to prevent and control the spread of infectious diseases, it is difficult to see what possible precautions would be effective when primates and humans live in close quarters, as they would in domestic settings.

For many reasons, including the inferiority of their domestic conditions, pet primates often escape (even from zoos), posing a threat to the outside community.³⁵

C) The welfare of the environment and public concern

The risk of primates escaping also poses a threat to the environment.³⁶ "Wild pet trading and keeping represents an established threat to biodiversity and ecology."³⁷

³⁰ Id.

³¹ Mott, Maryann. "The Perils of Keeping Monkeys as Pets." National Geographic, September 16, 2003.

³² Id. at p. 12.

³³ Chimps as Pets: The Reality. Jane Goodall Institute UK.

<https://www.janegoodall.org.uk/chimpanzees/chimpanzee-central/15-chimpanzees/chimpanzee-central/28-chimps-as-pets-the-reality>

³⁴ Id.

³⁵ Primate Incidents. Humane Society US. Available at:

<https://www.humanesociety.org/sites/default/files/docs/primate-escapes-and-attacks.pdf>

³⁶ Soulsbury at p.13.

³⁷ Wild Pets in the European Union. ENDCAP EU Report, 2012. Available at: <https://endcap.eu/wp-content/uploads/2013/02/Report-Wild-Pets-in-the-European-Union.pdf>

Methods used for capturing wild animals from their natural environments for use in the pet trade can result in serious disturbance to habitats as well as displacement, injury, and death to animals in those habitats.³⁸ Although in some countries pet primates have been bred in captive colonies, they may also enter the trade from the wild, both intentionally (via wildlife traffickers) and unintentionally (when hunters kill females with infants that are then sold). Efforts to reduce the primate pet trade include creating new protected areas in habitats of high biodiversity. However, hunters and poachers may seek out protected areas for their high densities of animals.³⁹ No matter how it's done, the pet trade finds a way to cause harm in the wild.

Escaped pets can form new populations, in which they can spread human diseases, although this is less likely in the UK than in tropical countries or countries with wild populations, where the two populations can mix.⁴⁰

The British public has long been concerned about the welfare of pet primates. In the Soulsbury study, the RSPCA shared data about complaints from the public during the period of 2000-2005. RSPCA received 191 complaints about cruelty regarding 446 animals, or about 70% of the primates held legally under DWAA.⁴¹ Of the 103 complaints in which an RSPCA officer provided advice, 64% related to husbandry issues (lack of space, water, food, shelter), and 11.5% related to an aspect of the animal's health, including mental health concerns. This data supports the conclusion that the average member of the public cannot properly provide for a primate's well-being, and the British public knows this.

A-Law is dedicated to promoting and educating on animal welfare law, but our answer to this question must consider both animal and human welfare, as the issue of pet primates endangers both in serious ways. Schuppli & Fraser, through their method of assessing the suitability of species as pets, categorised primates as Category E: Species that are unsuitable as companion animals because of undue risk to one or more of: the animal, the owner, the community or the environment."⁴² Evidence gathered by other researchers specific to the UK confirms this decision. Primates kept as pets face a detriment to their own welfare, and they endanger the welfare of others. Therefore, a full ban prohibiting the keeping of primates privately in England must be enacted and enforced.

[European countries that have implemented pet primate bans](#)⁴³

³⁸ *Id.*

³⁹ Norconk, M.A. et al., Reducing the primate trade: Actions for primatologists. *American Journal of Primatology*. Vol. 82, Issue 1, 2020.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Schuppli, *supra*, at 366.

⁴³ A selection of applicable countries are highlighted; this list is not exhaustive.

BELGIUM: Belgium has a 'positive list' system for mammals; if an animal is not included on this list it cannot be kept. Belgium's list system prohibits the keeping of primate species.⁴⁴⁴⁵ Since its enactment in 2001, this list has been highly effective; illegal trade has reduced and fewer animals go to overwhelmed rescue shelters.⁴⁶⁴⁷

BULGARIA: Bulgaria's Animal Protection Act 2008 includes a negative list of species that cannot be kept, owned, sold, or imported. Primates are on this list. The APA specifically bans the keeping of primates in Article 21.⁴⁸ The Article (Amended, SG No. 92/2011) provides that it shall be prohibited to import, acquire, sell, own, or keep any specimens of the order of primates, as well as any wild cats, with the exception of zoos and emergency centres.

DENMARK: Denmark uses a negative list, found in Annex I to Order No. 1261 of 17 November 2015.⁴⁹ Denmark's negative list includes most species of primates.⁵⁰ The private keeping of animals on this list is forbidden as they may be dangerous, difficult to obtain, or difficult to keep.

HUNGARY: The Government Decree 41/2010 II (26) on the Keeping of Pet Animals and Marketing prohibits selling of primates due to ecological risks.⁵¹ Hungary imposes very strict guidelines on how a pet shop may operate, but notes that even under the rigorous conditions, "animals whose keeping would endanger the survival of the species, animals posing an ecological threat to the autochthonous flora or fauna of the country, primates or pet animals subject to a veterinary restriction measure, animals incapable of staying alive without parental care or animals capable of staying alive only when parents and offspring are sold together...may not be traded as pets, not even in pet shops."⁵²

⁴⁴ Wild Pets in the European Union. ENDCAP EU Report, 2012. Available at: <https://endcap.eu/wp-content/uploads/2013/02/Report-Wild-Pets-in-the-European-Union.pdf>

⁴⁵ Primates as Pets. EFRA Eleventh Report of Session 2013-2014. Available at <<https://publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/984/984.pdf>>

⁴⁶ "Major new restrictions on exotic pet keeping." The Animal Protection Agency, February 2, 2015. Cision PR Newswire. Available at: <<https://www.prnewswire.co.uk/news-releases/major-new-restrictions-on-exotic-pet-keeping-in-the-netherlands-raise-hopes-that-uk-will-follow-290526001.html>>

⁴⁷ (noting a reduction in the number of illegal animals in sanctuaries following the introduction of positive lists) Primates as Pets. EFRA Eleventh Report of Session 2013-2014. Available at <<https://publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/984/984.pdf>>

⁴⁸ Animal Protection Act. Available at: <http://eea.government.bg/bg/legislation/biodiversity/zzjan.doc/at_download/file>

⁴⁹ Analysis of national legislation related to the keeping and sale of exotic pets in Europe. Eurogroup for Animals, June 2020. Available at: <https://www.eurogroupforanimals.org/sites/eurogroup/files/2020-07/Eurogroup%20for%20Animals_Exotic%20pets%20reoprt_v5.pdf>

⁵⁰ van Uhm, D.P. Illegal Trade in Barbary Macaques. Universiteit Utrecht, commissioned by Stichting AAP, 2014. Available at: <https://www.researchgate.net/profile/Daan_P_Van_Uhm/publication/304411289_Illegal_trade_in_Barbary_macaques/links/576eb76708ae10de639a47d9/Illegal-trade-in-Barbary-macaques.pdf>

⁵¹ Trading in pet animals. EUGO Hungary. Available at: <<http://eugo.gov.hu/a-z-index/trading-pet-animals>>

⁵² Trading in pet animals. EUGO Hungary. Available at: <<http://eugo.gov.hu/a-z-index/trading-pet-animals>>

LATVIA: Under Section 3 of Latvia's Animal Protection Law, it is "prohibited to purchase, keep in captivity, alienate or keep for sale or exchange and offer for trade" all primate species.⁵³ This law came into effect on January 1, 2000.

NETHERLANDS: In the Netherlands, a positive list for mammals was developed and enacted in 2015.⁵⁴ Any animal species or animal categories which live naturally in the wild, excepting animal species included in their positive list, were forbidden to keep as pets. The list was developed based on animal welfare, public safety, and environmental criteria, and it banned the keeping of primates as pets.⁵⁵ The law was repealed in 2017 after a legal challenge that the list was not prepared with due diligence. At present, a new list is being formulated following new scientific methodology.⁵⁶

The Dutch law permitted current owners of prohibited species to keep their animals until their death *but* they were forbidden from trading and - crucially - breeding their animals.⁵⁷ This important detail is necessary in any legislation that aims to curb the spread of wild pets in the UK and to curb the illegal pet industry.

Most countries established transitional periods, i.e. a 'grandfather clause', in their new regulations to allow for animals who were already kept as pets.⁵⁸ Existing primate owners would have a certain amount of time after regulations came into force to register their animal with the relevant authority and obtain a licence. Some countries, including Belgium and the Netherlands, require the owner to provide evidence that they owned the animal before regulations came into force. Many of the primate bans in these countries also prohibit breeding, as the UK law should.⁵⁹

Question 7: Do you agree that the Government should use zoo level welfare standards as the basis for a new "specialist private primate keeper" licensing scheme?

If the recommended ban on the private keeping of primates is not enacted, A-Law would be broadly supportive of a "specialist private primate keeper" license, to enable rescue centres and other expert persons, who have sufficient reasons for keeping primates and who demonstrate the expertise necessary to provide a suitable environment and lifestyle, to keep them.

⁵³ Animal Protection Act of Latvia, translation available at <<https://likumi.lv/ta/en/en/id/14940>>

⁵⁴ Welfare of Pets. Government of the Netherlands website. Available at: <<https://www.government.nl/topics/animal-welfare/welfare-of-pets>>

⁵⁵ Analysis of national legislation related to the keeping and sale of exotic pets in Europe. Eurogroup for Animals, June 2020. Available at: <https://www.eurogroupforanimals.org/sites/eurogroup/files/2020-07/Eurogroup%20for%20Animals%20Exotic%20pets%20reopr_t_v5.pdf>

⁵⁶ Toland, E. et al., Turning Negatives into Positives for Pet Trading and Keeping: A Review of Positive Lists. *Animals*, 2020. 10(12):2371.

⁵⁷ "Major new restrictions on exotic pet keeping." The Animal Protection Agency, February 2, 2015. Cision PR Newswire. Available at: <<https://www.prnewswire.co.uk/news-releases/major-new-restrictions-on-exotic-pet-keeping-in-the-netherlands-raise-hopes-that-uk-will-follow-290526001.html>>

⁵⁸ This list includes Denmark, Latvia, Portugal, and Sweden. RSPCA, Do You Give a Monkey's? The Need for a Ban on Pet Primates, 2016. Available at: <[rspca.org.uk/petprimates](https://www.rspca.org.uk/petprimates)>

⁵⁹ The list includes Denmark, the Netherlands, and Portugal. *Id.*

First, the UK licensing scheme must be updated and strengthened. Private possession of primates is governed by the Dangerous Wild Animals Act 1976, which originally exempted certain primates from licensing. In October 2007, more species were exempted. Consequently, the number of primates being held under the licensing scheme does not accurately reflect the actual number of captive primates in the UK.⁶⁰ Moreover, non-compliance with the licensing scheme is estimated to be a staggering 85-95%.⁶¹ This means that the number of primates held legally and under license represents merely a fraction of the primates being held privately in the UK, with both legally unlicensed animals and illegally held animals unaccounted for. When animals are unaccounted for to such a large degree, it is impossible to comprehend their welfare or to fathom the extent of welfare violations.

For the period of 2001-2008, over half of the incidents involving primates that were reported to the RSPCA involved species for which a license is not required, and over 60% involved animals housed in solitude. This evidence suggests that many keepers of pet primates - including legally under license and legally without needing a license - lack the knowledge necessary to adequately provide for the animals' welfare.⁶² One UK sanctuary reported that all of the primates that they received from private keepers were suffering from physical and/or behavioural problems, many exhibiting self-harming tendencies.⁶³ As stated in our comments to Question 6, providing a suitable environment for primates in a domestic setting is extremely difficult. For this reason, if and when primates are kept in domestic settings, zoo level welfare standards would satisfy the minimum necessary requirements in order to safeguard welfare. Anything less, as we have discussed, would lead to certain detriment.

The current scheme leaves the vast majority of pet primates in the UK unaccounted for. If primates are to be permitted in any private domestic setting, a new licensing scheme must cover all species of primates so that the authorities may better account for their presence in the UK, monitor their well-being, and enforce all applicable regulations. Common sense dictates that all persons wishing to obtain a license to privately keep primates must prove zoo-level knowledge in order to be deemed a specialist keeper.

Several European countries require special dispensation for the keeping and owning of primates.

CZECH REPUBLIC: Czech Republic employs a negative list of animal species prohibited from private keeping, in addition to regulations specifying animal species that require special care and authorisation in order to keep. The Decree of 18 November 2008 No. 411/2008 specifies animal species that require special care and which require authorisation to own. The list includes primates.⁶⁴

⁶⁰ Soulsbury, *supra*, at 4.

⁶¹ *Id.*

⁶² Soulsbury, *supra*, at 14; RSPCA & Wild Futures, Primates as Pets: Is there a case for regulation? 2009. Available at: <[http://www.wildfutures.org/sites/default/files/reports/Primate %20Pack_Nov%2009.pdf](http://www.wildfutures.org/sites/default/files/reports/Primate%20Pack_Nov%2009.pdf)>

⁶³ Soulsbury, *supra*, at 14.

⁶⁴ Analysis of national legislation related to the keeping and sale of exotic pets in Europe. Eurogroup for Animals, June 2020. Available at: <https://www.eurogroupforanimals.org/sites/eurogroup/files/2020-07/Eurogroup%20for%20Animals_Exotic%20pets%20reoprt_v5.pdf>

DENMARK: As discussed in Question 6, Denmark has an outright ban on the private keeping of most primate species. However, it does permit the private keeping of a select few species. These few species, including squirrel monkeys, are among the animals listed in Annex II of the Order No. 1021 of 12 December 2002. Animals listed in this annex can only be kept when certain keeping conditions are met.⁶⁵

NETHERLANDS: As discussed in Question 6, the Netherlands enacted a positive list in 2015, which is currently under review in the government. However, before this 2015 law, the controlling Dutch law was a restrictive license program, enacted after a history that demanded sweeping changes. In 1970, it was estimated that about half of the international animal trade was in Dutch hands.⁶⁶ After that time, steps were taken to control this trade, including CITES and the Dutch BUD (Wet Bedreigde Uitheemse Diersoorten) Act (1977), providing protection for all non-human primate species. A huge number of primates were kept as pets prior to 1977, but the number dwindled thanks to the new law. Under these regulations, all primate imports and exports were registered by the authorities, as was the keeping of primates and any transfer within Dutch borders. Dutch traders imported 4,125 primates on average between 1977 and 1981, the four years following the enactment of its Act.⁶⁷

Primate possession was restricted to holders of exemptions, i.e. a licensing scheme. Although the post-1977 figures were promising, experts saw indications of 'considerable numbers' of primates continuing to be traded, mainly illegally.⁶⁸ Moreover, it seemed the licensing scheme was a temporary step en route to the wisdom of the full ban: In the aftermath of the 1977 law, experts noted that although primates were still kept by licensed private owners, in future this would become more and more restricted.⁶⁹

Question 8: Do you agree that licence conditions relating to specific standards setting out how primates must be kept should include a requirement for primates to be microchipped as means of a permanent identification?

Rescue centres⁷⁰ and zoos⁷¹ within the UK routinely microchip primates for identification purposes. Denmark, the Netherlands, and Portugal require animals to be individually identifiable through methods like microchipping.⁷²

⁶⁵ Analysis of national legislation related to the keeping and sale of exotic pets in Europe. Eurogroup for Animals, June 2020.

⁶⁶ Van Der Helm, F.A. & Spruit, I., Non-human Primates in the Netherlands: A Survey of Import and Export, Ownership and Use. A Joint Publication of Traffic (NL) and I.P.P.L. (NL), 1988.

⁶⁷ *Id.*

⁶⁸ Van der Helm, *supra*, at 61.

⁶⁹ *Id.*

⁷⁰ <https://monkeyworld.org/rescue-rehabilitation/veterinary-care/>

⁷¹ https://www.bvzs.org/images/uploads/BVZS_GUIDELINES_FOR_MICROCHIP_TRANSPONDER_SITE_S.pdf

⁷² RSPCA, Do You Give a Monkey's? The Need for a Ban on Pet Primates, 2016. Available at: <rspca.org.uk/petprimates>

The concerns expressed about the procedure and use of microchips predominately relates to (a) the invasive nature of the process to insert the chip; and (b) the requirement to get close to the animal to read the chip⁷³.

There is merit in identifying animals through microchipping if theft is a concern and microchipping proves a deterrent. However, reporting on the matter indicates that microchipping of animals in zoos in Europe does not appear to have stopped thefts, nor has it resulted in return of stolen animals⁷⁴.

Question 9: do you agree that a system of inspection should apply to “specialist private primate keeper” licence holders?

In principle, A-Law is of the view that an inspection system is one of the key ways in which to ensure that keepers are complying with their obligations under legislation. Inspection ensures both that licence conditions (such as microchipping as discussed above) and the more general requirements of the Animal Welfare Act and the Code of Practice are followed to protect primate welfare. These inspections should be carried out by (or at least attended by) qualified veterinarians, as such professionals are capable of assessing whether the conditions in which the primates are kept are sufficient and that the primate are in good (physical and behavioral) health.

However, we note that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“AWLR”) already contain an obligation for local authorities to inspect licensed persons. It is uncertain how regularly these inspections are carried out; therefore, it is key that measures are taken under any specialist licensing regime to ensure that thorough inspections are regularly enforced.

Question 10: Do you agree that the Government should apply and enforce the system of licensing and inspection for “specialist private primate keepers”?

Compliance with a licensing system is in part determined by the costs of obtaining a license. It is likely that an inspection system administered and carried out by the Government will be the most cost-effective option for license holders. However, we note the difficulties involved for Government departments in inspecting and enforcing facilities. There has been long-standing concern expressed⁷⁵ that regulation of the exotic pet industry falls to local authorities who do not have the funding, or in a related way, the expertise to carry out the activities and supervision necessary to prevent welfare breaches.

⁷³ <https://www.nc3rs.org.uk/macques/captive-management/husbandry/>

⁷⁴ <https://www.nationalgeographic.com/news/2017/11/wildlife-watch-zoo-thefts-european-zoos/>

⁷⁵ Blue Cross (2016) Unpicking the Knots: A case for a more cohesive approach to pet welfare legislation. Available online. p30,35, 37

We note that fees for obtaining a license in other circumstances are set by local authorities and that the fee to keep an animal under the DWAA can exceed £500⁷⁶ whilst the fee for activities under the AWLR can exceed £800 for certain licenses⁷⁷. A higher licence fee for specialist primate keepers licenses would serve several purposes: Firstly, to ensure that keepers are keenly aware that keeping primates in any circumstances is a privilege to be taken seriously; secondly, to encourage compliance with licence conditions due to the cost of having to reapply for another licence; and finally, to present a way to ensure that departments enforcing the licensing regime are properly funded.

If monitoring and enforcement of the regime does therefore fall to local authorities, it is fundamentally important that this is accompanied by a comprehensive training regime to ensure that relevant persons are fully aware of the issues primates face and how the regime should work to protect primate welfare. These persons should also be designated as specifically responsible for enforcement of the regime, to ensure there is a clear demarcation of where responsibility for enforcement falls. As discussed in our accompanying submission detailing the existing law, an unfortunate flaw in the current piecemeal regime is that various bodies (e.g. local authorities, the RSPCA, APHA, border authorities) are charged with ensuring primate welfare in different circumstances. This requires a joined-up approach between such groups to ensure that primates are properly protected in all circumstances - another demand on already stretched time and resources.

Question 11: Do you agree that local authorities should have discretion as to the length of a “Specialist private primate keeper” licence?

Advantages to allowing local authorities discretion have been demonstrated by the licensing regime for the commercial sale of pets under the AWLR. This licence provides (i) the ability of local authorities to issue licences at any point in the year, to help to spread the workload across the year; (ii) the introduction of a risk-based star rating system; and (iii) flexibility to issue licences of 1, 2 or 3 years, with longer licences going to high-performing, low-risk businesses, reducing burden on business performing well and incentivising best practice, leaving more resources available to tackle poor performers. That said, there should be a maximum length of licences available for local authorities to issue, in order for compliance with the terms of the licence to also be reviewed at the renewal points of the licence. Additional review at these renewal points would require licensees to retain evidence to demonstrate they are meeting the welfare requirements of the licence, encouraging greater compliance. We note that such an approach is in accordance with both the AWLR and the DWAA.

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

No.

⁷⁶<https://www.bathnes.gov.uk/services/business/licences/animals/how-much-does-dangerous-wild-animals-licence-cost>

⁷⁷ <https://www.wyreforestdc.gov.uk/media/3926396/Fee-Table-and-Guidance-Notes.pdf>

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

As discussed in Question 6, most countries established transitional periods, i.e. a 'grandfather clause', in their new regulations to allow for animals who were already kept as pets.⁷⁸ Existing primate owners would have a certain amount of time after regulations came into force to register their animal with the relevant authority and obtain a licence. This is also important when accounting for primates who will have to be rehomed in sanctuaries and rescue centres. Considering there are an estimated 5,000 primates kept in UK homes,⁷⁹ these spaces could easily be overwhelmed by an influx.

When registering their primates under the new prohibition, owners must meet a number of conditions. Countries, including Belgium and the Netherlands, require the owner to provide evidence that they owned the animal before regulations came into force. This condition should be included in any new UK regulation. Furthermore, many of the primate bans in other countries also prohibit breeding, as the UK law should.⁸⁰

Other conditions should include registering the animal with a local veterinary practice, providing annual documentation to prove veterinary checks have been carried out, and proving compliance with the Code of Practice. As discussed at Question 9, the local authority could carry out these checks by way of inspection with qualified practitioners. A condition of owning a primate would therefore be consenting to these annual inspections upon registering a primate.

A further condition upon registering a primate would be to alert the Local Authority if the primate has, for any reason, been transferred or has died. This will enable Local Authorities to keep an up-to-date record of the number of primates in the UK.

Question 14: Do you agree that there should be a fixed time period to register all currently held primates which are subject to the new prohibition, beyond which a penalty would apply in relation to primates which are subject to the prohibition?

As has been stated elsewhere in this submission, 12 months is an adequate time period in which to be notified of the legislation requirements and to act accordingly. Anything significantly less than this time period would be unworkable, and owners need to have sufficient time to find new homes for their primates. Once this 12-month period is over, any owner breaching the prohibition should be given a penalty which would work under a phased penalty system. For example, up to 3 months after the period the fine would be £500, 6 months would be £1,000, and so on.

⁷⁸ This list includes Denmark, Latvia, Portugal, and Sweden. RSPCA, Do You Give a Monkey's? The Need for a Ban on Pet Primates, 2016. Available at: <rspca.org.uk/petprimates>

⁷⁹ RSPCA, Do You Give a Monkey's? The Need for a Ban on Pet Primates, 2016. Available at: <rspca.org.uk/petprimates>

⁸⁰ The list includes Denmark, the Netherlands, and Portugal. *Id.*

It is essential that a deterrent and punitive regime is put in place to prevent unlawful individuals from owning primates. The fiercer and more accumulative the penalty, the more incentivised owners will be to (a) register their primate within the fixed time period and (b) operate within the confines of the law.

However, a phased penalty system cannot continue to accumulate indefinitely without the authorities having recourse to stronger courses of action. It is proposed that a failure to register a primate should trigger inspection rights on behalf of the responsible enforcement authorities. We consider that failure to register is behaviour indicative of a failure to seriously consider the need to make proper arrangements to care for a primate, which will often run parallel with failure to appropriately care for the primate(s).

We therefore submit that a failure to register primates, along with signs of the primate's decline in well-being based on this failure, should become an offence punishable by custodial sentence, when the primates' living conditions amount to cruelty under the AWA. This would be the ultimate penalty for failing to register. The Animal Welfare Act 2006 already imposes such a penalty for causing unnecessary suffering (Section 4) or mutilation (Section 5), etc.. Already, the UK has the lowest sentence for animal offences,⁸¹ far behind Ireland with a 5-year maximum sentence for causing animal suffering,⁸² or a maximum of 3 years in Bulgaria.⁸³ The introduction of this prohibition paves the way for the UK to rectify this and encourage a stronger commitment to protecting the welfare of animals.

Question 15: How long should this fixed time period be, 12 months, 24 months, indefinitely or other?

As discussed in Question 14, 12 months would suffice.

Question 16: Do you agree that, following an initial visit and assessment by the Local Authority, primates not subject to the new "specialist private primate keeper" licence (or to a zoo licence) may continue to live where they are if their basic welfare needs are being met, or will be met subject to an improvement notice?

If some primates currently being kept by private hands are permitted to be grandfathered in to allow their continued keeping by a non-specialist, their setting must be inspected. If a local authority finds that a primate is not having their welfare needs met or is only having 'basic' welfare needs met, a phased system must be implemented. A phased system would require that: (1) the opportunity to rehome is assessed alongside potential rescue centres and sanctuaries; (2) if they are unable to accommodate the primate's needs, the Local Authority should impose an improvement notice which sets out what features need to be ameliorated specifically; (3) the improvement notice should also ban the owner from acquiring any new primates; (4) the second assessment to investigate improvements should be

⁸¹ RSPCA, 'Sentencing for animal cruelty: The argument for increase' (2016)
<https://politicalanimal.org.uk/wp-content/uploads/2017/06/Sentencingbriefing-1.pdf>

⁸² Animal Health and Welfare Act 2013

⁸³ Article 325b of Bulgaria's Penal Code

made bi-annually until: (a) the Local Authority finds that the needs of the primates have improved to such an extent it is now in keeping with the animals welfare and they can continue to care for the animal; or (b) a space is available for rehoming. This is necessary to prevent an influx of primates requiring rehoming in rescue centres and sanctuaries; shelters would struggle to cope with this, and the welfare of the primates would remain compromised. However, we urge consideration of every primate in private hands being subject to a specialist keeper licence, especially since, as we have discussed, even a primate's "basic welfare needs" would surely require specialist training and knowledge.

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

We refer to the answer at 8 above.

Question 18: Do you agree that the keepers of primates not subject to the new "specialist private primate keeper" licence (or to a zoo licence) should have their primates neutered?

We have proceeded on the basis that the reason for neutering is to prevent further breeding and not for behavioural purposes. We are supportive of the position that those who are keeping primates under a grandfathering clause should not be allowed to breed the animals and therefore consideration must be given to population control. This is, however, a fraught area from the perspective of the welfare of the individual primate and any groups in which they may be kept. Castration can have a negative impact on the social behaviour of male primates within a group setting⁸⁴. Population control in primates is not a simple matter and a blanket requirement to neuter all primates in this category may not be consistent with welfare obligations under the Animal Welfare Act⁸⁵. Population control should be species specific and should have regard to the circumstances in which each animal being considered is kept.

Question 20: Do you agree that the keepers of primates not subject to the new "specialist private primate keeper" licence (or to a zoo licence) should be required to have their primates examined by a vet at least once a year with confirmation of that examination and its findings provided to the Local Authority?

One of A-Law's primary concerns is the welfare of animals. On that basis, annual examinations by a vet are likely to be consistent with these aims. However, without further detail, it is difficult to form a view of this proposal. Aspects that may require further explanation are what the examination would entail

⁸⁴ Gonadectomy Negatively Impacts Social Behavior of Adolescent Male Primates - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2746978/>; Effect of castration on social behavior and hormones in male Japanese macaques (*Macaca fuscata* - https://www.researchgate.net/publication/319610451_Effect_of_castration_on_social_behavior_and_hormones_in_male_Japanese_macaques_Macaca_fuscata

⁸⁵ Wallace, PY & Asa, CS & Agnew, Mary & Cheyne, Susan. (2016). A review of population control methods in captive-housed primates. *Animal Welfare*. 25. 7-20. 10.7120/09627286.25.1.007.

and what a vet would be assessing. Further, we think it would be helpful if there was clarity on what the local authority is required to do with the information, if anything. Further, we query whether the intention is for owners who don't have their primates examined to be penalised in some way; otherwise, it is unclear how adherence to the scheme would be promoted.

Question 21: do you have any other comments or suggestions regarding the proposed arrangements for primates not subject to the new “specialist private primate keeper” licence (or a zoo licence)?

No.

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

We submit that, in most cases, civil penalties (as discussed in our answer at question 23 below) would act as satisfactory deterrent and punishment for most breaches of the regime in small scale domestic cases, in the absence of substantial animal suffering and for no commercial gain.

That said, A-Law appreciates the proposed prohibition is wider reaching than just domestic ownership of a small number of primates; it should catch those who breed, market, and trade primates for commercial gain. As discussed above and in the analysis section of our accompanying submission, the threat of a fine is likely insufficient to deter those who would contravene the prohibition as part of organised crime for commercial gain, because the risk of incurring costs due to conviction of contravening the prohibition would simply be priced into costs of their operation. Therefore, shorter custodial sentences should be considered for serious and/or repeated breaches of the prohibition due to commercial activities. This accords with section 13 of the Animal Welfare Act in respect of licensable activities where, pursuant to section 32(2)(b) of the same act, a 6-month summary custodial sentence is available for more serious offences. The punishment and sentencing aspects of the prohibition should be accompanied by comprehensive sentencing and prosecution guidelines in order to ensure consistent prosecutions and sentences in respect of the prohibition.

Question 23: What is the maximum level of fine that you would consider appropriate for breaching the prohibition applying to privately kept primates? £1,000, £2,500, £5,000 or don't know?

As discussed above, we submit that the full range of civil penalties up to the maximum of £5,000 would act as a satisfactory deterrent and punishment, where civil punishments are the appropriate response.

Question 24: Do you agree that a civil penalty should apply to breaches of conditions of the new “specialist private primate keeper” licence together with the option of revoking the licence if the conditions are not met?

We submit that the civil penalties discussed above combined with the threat of loss of licence is appropriate for most breaches of licence conditions for specialist private primate keepers. This should,

however, be combined with the potential for custodial sentences where the licence conditions are broken in order to breed and/or trade primates for commercial gain. Such keepers should also certainly be subject to prosecution under the Animal Welfare Act where the standards in which they keep their primates falls below the required standard to the extent that the primates suffer.

Question 25: what is the maximum level of fine that you would consider appropriate for breaching conditions of the new “specialist private primate keeper” licence? £1,000, £2,500 or £5,000 or don’t know?

As stated previously, this legislation should act as a fiercely deterrent regime to those who are prohibited from owning primates. This can only be enforced with a range of penalties towards an upper limit, and A-Law submits that a fine of £5,000 is an acceptable higher threshold in situations not tied to trade exploits for commercial gain.

Question 26: Do you think a new power of entry should be introduced to allow Local Authorities to enter a property with a warrant where they reasonably believe an unlicensed primate is being kept without having been registered with the Local Authority?

Powers of entry are a significant intrusion into private liberties. The decision as to when to grant such powers must be carefully weighed against the infringement on personal rights. Presently, section 19 of the Animal Welfare Act allows an inspector or constable to enter premises for the purpose of searching for a protected animal and of exercising any power under s18 in relation to it if they reasonably believe:

- (a) That there is a protected animals on the premises; and
- (b) That the animal is suffering, or, if the circumstances of the animal do not change, he is likely to suffer.

An authorised officer would require a warrant to enter a private dwelling to search for a protected animal falling within this section⁸⁶. This proposed power of entry would be more expansive than that already allowed under the AWA as there would be no requirement to prove suffering or likely suffering of the primate. This is arguably a greater potential intrusion into personal liberties; however, the power of entry would be constrained by the requirement to obtain a warrant. When the power of entry is weighed against the potential negative welfare implications for primates who are kept illegally, our position is that such an intrusion into personal liberties is proportionate and justified.

Question 27: Should the requirement for a warrant to enter a property where a Local authority reasonably believes an unlicensed primate is being kept without having been registered, be limited to residential premises?

⁸⁶ N Sweeney. A Practical Approach to Animal Welfare Law (2nd ed). 2017. p54

As the power of entry that would be exercised is in circumstances where there is no requirement to demonstrate immediate suffering or likely suffering, our position is that the threshold for when entry is allowed into any premises should be higher. A-Law's position is that there should be a requirement to obtain a warrant for entry to any private premises where a Local Authority reasonably believes a primate is being kept. Where there are concerns that a primate may be suffering, the AWA provides a mechanism to obtain entry without the need for a warrant for non-residential dwellings.

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

Not presently.

Question 29: do you have any comments on any potential unintended consequences that could arise as a result of any of the measures proposed?

As stated throughout our submission, we support a full prohibition on the private keeping of primates in the UK. However, the method of implementing a ban, or any more restrictive legislation, must take into account the foreseeable risk that current owners of primates will aim to rid themselves of their animals quickly in an effort to not be found as noncompliant with new regulations. These owners may follow one of at least three problematic paths: 1) leaving their animal with a primate rescue; 2) donating/selling their animal to a research institution; or 3) otherwise selling their animal illegally.

The first path is quite predictable, as many well-meaning owners of animals who are no longer able to care for them properly believe that rescue centres will best provide for the animals' future. While true that rescue centres and sanctuaries are generally wonderful carers for animals, we run the risk of rescues being inundated with former pet primates, and thus overwhelmed - financially, logistically, and regarding their workers' abilities. We cannot put the consequences of necessary legislation entirely on the backs of rescues who are often in great need of financial and other support. Several things can help alleviate this foreseeable occurrence. For one, as other countries with primate pet bans have done and as we discussed *supra* in question 6, sufficient time must be allocated for a grandfather clause, during which current primate owners must comply with new law. During this time (we believe 12 months is sufficient), owners can make arrangements for their animals without all being sent to rescues all at once. If a new licensing regime is chosen instead, then owners would have the time to deliberate on whether they are able to fulfill new ownership requirements. We also strongly urge the government to assist in mitigating these risks by establishing an official programme of return for pet primates, and government-sponsored rescue effort, with financial assistance given to primate rescues.

The second and third paths must be combated with stricter enforcement of existing trade laws to curb illegal sales of primates in the UK both domestically and internationally, whether as part of the underground pet trade or for research for international institutions. Although completely preventing illegal activity is impossible, the government should make plans well in advance that detail how they will suppress these anticipated increases. These unwanted routes may also be prevented with stronger

shoring up of the first route, so that primate rescues can be recommended as the proper course of action without overwhelming those institutions.

Most countries that have implemented bans on private primate keeping made sure to establish transitional periods in their new regulations to allow for animals who were already kept as pets to be registered.⁸⁷ Existing primate owners would have a certain amount of time after regulations came into force to register their animal with the relevant authority and obtain a licence. Some countries, including Belgium and the Netherlands, require the owner to provide evidence that they owned the animal before regulations came into force, as the UK law must do. Many of the primate bans in these countries also prohibit breeding, as the UK law must also do.⁸⁸ A reasonable transitional period would alleviate some of the concerns we have with prior owners overwhelming rescues or resorting to illicit routes. However, governmental assistance in combating these foreseeable issues would still be necessary.

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

As said in Question 7, private possession of primates is governed by the DWAA, which originally exempted certain primates from licensing. In October 2007, more species were exempted. Consequently, the number of primates being held under the licensing scheme does not accurately reflect the actual number of captive primates in the UK.⁸⁹ Moreover, non-compliance with the licensing scheme is estimated to be a staggering 85-95%.⁹⁰ This means that the number of primates held legally and under licence represents merely a fraction of the primates being held privately in the UK, with both legally unlicensed animals and illegally held animals unaccounted for. As stated, we support a ban on private keeping of primates first and foremost. If the government chooses to follow a licensing scheme to allow for some private keeping, we urge the necessity of including all primate species under this licence with zero exemptions. This update to licensing requirements would go a long way to determining the correct number. As for illegally held animals, this must be combated with stronger enforcement of the law.

Question 31: Do you have any quantitative evidence on the number of primate keepers in England and the average number of primates held by primate keepers?

No.

⁸⁷ This list includes Denmark, Latvia, Portugal, and Sweden. RSPCA, *Do You Give a Monkey's? The Need for a Ban on Pet Primates*, 2016. Available at: <rspca.org.uk/petprimates>

⁸⁸ The list includes Denmark, the Netherlands, and Portugal. *Id.*

⁸⁹ Soulsbury, *supra*, at 4.

⁹⁰ *Id.*

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