



House of Commons  
Environment, Food and Rural  
Affairs Committee

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# Primates as Pets

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## Eleventh Report of Session 2013–14

*Report, together with formal minutes relating  
to the report*

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## Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and its associated bodies.

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# Contents

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<b>Report</b>	<i>Page</i>
<b>Summary</b>	<b>3</b>
<b>1 Introduction</b>	<b>5</b>
Our inquiry	5
<b>2 A ban on keeping pet primates</b>	<b>7</b>
Arguments in favour of a ban	7
Arguments against a ban	8
<b>3 The scope and scale of the problem</b>	<b>11</b>
The number of primates kept as pets	11
The size of the primate pet trade	12
Undertaking further research	13
<b>4 The regulatory framework</b>	<b>14</b>
The Animal Welfare Act 2006	14
The Primate Code	15
A need for specific, unambiguous information	16
A “primate-centred” approach	17
Dangerous Wild Animals Act 1976	18
Pet Animals Act 1951	19
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	21
<b>5 Application and enforcement</b>	<b>23</b>
High levels of non-compliance	23
Variation in practice	25
<b>6 Conclusion</b>	<b>27</b>
<b>Conclusions and recommendations</b>	<b>28</b>
<b>Formal Minutes</b>	<b>31</b>
<b>Witnesses</b>	<b>32</b>
<b>Published written evidence</b>	<b>33</b>
<b>List of Reports from the Committee during the current Parliament</b>	<b>35</b>

## Summary

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On 6 April 2010, Defra's *Code of Practice for the Welfare of Privately Kept Non-Human Primates* (Primate Code) came into operation. The Primate Code was developed in response to MPs' and peers' concerns about the welfare of primates being kept as pets by those who lacked the ability to care for them properly. In 2015, the Code is scheduled for review.

Many of our witnesses argued that the keeping and trading of primates as pets should be banned completely. While we support the adoption of a ban in principle, this is a draconian step that must be based on solid evidence and only after attempts to improve the operation and implementation of the existing regulatory framework have been exhausted.

Current estimates of the numbers of primates kept and traded as pets in the UK are unreliable. A better understanding of the scale and scope of the problem is required to inform future action in this area, and we therefore recommend that Defra commission independent research on the number and type of primates being kept and traded as pets in the UK. To increase the reliability of the data, owners of primates should be required to register them six months before this research exercise begins.

The lack of reliable estimates reflects deficiencies in parts of the regulatory framework governing the welfare of pet primates and the way in which it is applied and enforced. While some elements of the regulatory framework, such as the Animal Welfare Act 2006 (AWA), are well-regarded, others are in need of attention.

The Primate Code is itself too general and ambiguous to be fully effective. The Government must use its forthcoming review to ensure that the Code is drafted in a clear and precise manner and to add more species-specific detail.

The Dangerous Wild Animals Act 1976 (DWAA) cannot be considered to be an effective mechanism for protecting the welfare of pet primates, nor is this its primary purpose. Commonly kept primate species do not have to be licensed under the Act and its focus is on protecting people from animals, rather than the other way around.

Non-compliance with the regulatory framework is widespread. Low awareness of the applicable rules and guidance is one reason for this. Another is the limited resources and expertise held by local authorities who have primary responsibility for enforcing the framework. The Government should launch a public education campaign to raise awareness of the rules and guidance. It should also advise local authorities to employ experts from the zoo-licensing inspectors list or those with diplomas in zoo and wildlife medicine for its DWAA inspections.

If the changes we have suggested prove insufficient to protect adequately the welfare of privately kept primates, and if the evidence proves compelling, a ban on the trade and keeping of pet primates remains a possible option.

# 1 Introduction

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1. The private keeping<sup>1</sup> of non-human primates (“primates”) is currently legal in the UK and some estimates suggest that several thousand are being kept in this way.<sup>2</sup> Examples of such primates are marmosets, tamarins and capuchins. At the same time, consensus exists among veterinary associations, animal welfare organisations and Government that it is not appropriate to keep primates “as pets”: defined as keeping these animals alone, in domestic settings, primarily for the purpose of companionship or personal interest. That is because primates have particularly complex needs and an unusually high capacity to suffer if their needs are not adequately addressed.

2. The pet industry has expressed similar views, with the Pet Industry Federation setting out in written evidence that it “is not in favour of these animals being kept alone under normal circumstances and does not support the keeping of primates in a home environment”.<sup>3</sup>

3. During the passage of the Animal Welfare Bill through Parliament in 2006, a number of Members of both Houses expressed concern about the welfare of significant numbers of primates being kept as pets by those who lacked the ability to care for them properly. Responding to these concerns, the Government announced that “as a priority [it intended] to develop a code for the keeping of primates. Its likely effect [would] be to restrict their keeping to zoos, scientific institutions and specialist keepers”.<sup>4</sup>

4. The *Code of Practice for the Welfare of Privately Kept Non-Human Primates* (the Primate Code) came into operation on 6 April 2010.<sup>5</sup> The impact assessment accompanying the Code states that it will be reviewed five years after it enters into operation to assess how effective it has been.<sup>6</sup>

## Our inquiry

5. On 9 December 2013, we launched a short inquiry to capitalise on the opportunity presented by the Primate Code Review to help safeguard the welfare of privately kept primates. Our inquiry examined the issues around the keeping of primates as pets and whether a ban should be introduced. We sought written evidence on the following topics:

- the extent of the trade and keeping of primates as pets within the UK;

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<sup>1</sup> We use the term “private keeping” in the same way that it is used in the in the Primate Code. In other words, to refer to primates kept in private ownership by individuals or bodies corporate rather than by circuses, pet shops or establishments licensed under the Zoo Licensing Act 1981 or the Animals (Scientific Procedures) Act 1986.

<sup>2</sup> RSPCA [PAP 36], para 8; Wild Futures [PAP 10], para 6; Humane Society International [PAP 29], para 10; Reptile and Exotic Pet Trade Association [PAP 11], para 20.

<sup>3</sup> Pet Industry Federation [PAP 40], p.1

<sup>4</sup> HC Deb, 19 January 2006, col 156. See also HL Deb, 24 May 2006, col GC247

<sup>5</sup> Defra, [Code of Practice for the Welfare of Privately Kept Non-Human Primates](#), 21 January 2010.

<sup>6</sup> Defra, [Impact Assessment of the Code of Practice on the Welfare of Privately Kept Non-Human Primates](#), 14 August 2009, p.1

- whether the existing regulatory framework and Code of Practice offer adequate protection for the welfare of primates kept as pets and are being applied effectively, and
- whether people should be allowed to keep primates as pets and, if not, how a ban might be implemented.

6. We received more than 40 written submissions from a range of organisations and individuals. These included animal welfare organisations, animal sanctuaries, the veterinary profession, the pet industry, private keepers, independent experts and Government. On 5 February 2014, we took oral evidence from three panels of witnesses, including the Minister, Lord de Mauley, Parliamentary Under-Secretary of State for Natural Environment and Science. We are grateful to all those who provided evidence to our inquiry.

## 2 A ban on keeping pet primates

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7. In view of widespread consensus that it is not appropriate to keep primates as pets, the question arises whether the keeping and trading of pet primates should be banned. The majority of our witnesses supported a ban.

### Arguments in favour of a ban

8. Many organisations, including the RSPCA,<sup>7</sup> Wild Futures,<sup>8</sup> Global Federation of Animal Sanctuaries,<sup>9</sup> Captive Animals' Protection Society,<sup>10</sup> Primate Society of Great Britain<sup>11</sup> and Humane Society International<sup>12</sup> support a ban. They generally do so on the grounds of animal welfare, but also on public health and safety and the need to protect vulnerable or endangered species in the wild. Arguments typically made in favour of a ban include the following:

- Keeping primates in a domestic environment is incompatible with their complex social, behavioural, environmental and dietary needs, as well as their need for specialist veterinary care.<sup>13</sup>
- Most people lack the expert knowledge required to care properly for primates, which is demonstrated by evidence of solitary primates being kept in small cages, being fed inappropriate diets, suffering physical and mental abnormalities and needing to be rescued.<sup>14</sup>
- Primates have a high capacity to suffer if their needs are not adequately provided for, as they have complex brain physiology and advanced cognitive abilities.<sup>15</sup>
- Keeping primates as pets creates public health risks, including the spread of zoonoses and the risk of physical attack. This reflects the fact that primates cannot be domesticated even if they are kept in a domestic environment and bred in captivity.<sup>16</sup>

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<sup>7</sup> RSPCA [PAP 36], para 32

<sup>8</sup> Wild Futures [PAP 10], para 24

<sup>9</sup> Global Federation of Animal Sanctuaries [PAP 19], p.1

<sup>10</sup> Captive Animals' Protection Society [PAP 13], p.1–2

<sup>11</sup> Primate Society of Great Britain [PAP 37], para 1.3 and 2.1, 3.7 and 4

<sup>12</sup> Humane Society International [PAP 23], para 7 and 25.

<sup>13</sup> For example: William McGrew [PAP 4], p.1; British Veterinary Association [PAP 33], para 4–7; Neotropical Primate Conservation [PAP 22], p.1–2; Wild Futures [PAP 10], para 2 and 4;

<sup>14</sup> For example: Animal Welfare Party [PAP 3], p.2; Monkey World [PAP 31], para 6 and 16; ; Primate Society of Great Britain [PAP 37], para 3.2; Kay Farmer [PAP 18], p.2;

<sup>15</sup> For example: Lisa Riley [PAP 24], p.2; Humane Society International [PAP 29], para 17; RSPCA [PAP 36], para 24; OneKind [PAP 26], para 9

<sup>16</sup> For example: Nedim Buyukmihci [PAP 5], para 5; Emergent Disease Foundation [PAP 7], para 2.1–2.4 and 4.3; Douglas Richardson [PAP 42], para 2

- The keeping and trading of pet primates can be detrimental to conservation efforts, encouraging the trapping and transportation of wild animals from their native habitats.<sup>17</sup>
- A ban on keeping primates as pets is important for sending out a clear message that the activity is not appropriate or acceptable. Conversely, as long as the trade and keeping of primates as pets in the UK remains legal, it gains legitimacy and endorsement.<sup>18</sup>
- A ban would be easier and cheaper to enforce in the long run than regulation which permitted the trade and keeping of primates as pets to continue. It would also assist in the crackdown on fake or bogus advertisements for pet primates.<sup>19</sup>
- A “grandfather clause”<sup>20</sup> could be used to avoid many of the negative consequences that opponents of a ban highlight.<sup>21</sup>
- A number of countries have already banned the private keeping of non-human primates. Belgium, which prohibits mammals from being kept as pets unless they are on a “positive list” of species deemed suitable to be kept as pets, reported a reduction in the number of illegal animals in sanctuaries following the introduction of this measure. It also found that the public played a useful role in monitoring and enforcing the ban.<sup>22</sup>
- Public opinion and expert opinion both favour a ban.<sup>23</sup>

## Arguments against a ban

9. Those who disagree with the imposition of a ban on the keeping of primates as pets may still oppose the keeping of primates in a “pet like manner”. Where they differ from supporters of a blanket ban is in their belief that it is possible for private individuals with the necessary skills, experience and resources to provide the care and conditions that address primates’ needs adequately.

10. Opponents of a ban also believe that current or prospective regulation can ensure that animal welfare is protected and that a ban would create unintended, undesirable consequences. Some also believe that attempts to ban the keeping of primates as pets

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<sup>17</sup> For example: Hannah Buchanan-Smith [PAP 16], p.1 and para 2.3.4; Eurogroup for Animals [PAP 21], p.1; Care for the Wild International [PAP 9], para 3b–d and 4a;.

<sup>18</sup> For example: Wild Futures [PAP 10], para 21–24; Captive Animals’ Protection Society [PAP 13], para 4; Animal Protection Agency [PAP 28], para 17

<sup>19</sup> For example: Rachel Hevesi (Wild Futures), Q.9; Eurogroup for Animals [PAP 21], p.2; RSPCA [PAP 36], para 31.

<sup>20</sup> A grandfather clause is one which exempts certain people or things from the requirements of a piece of legislation. It typically allows a pre-existing class of person to continue doing something even though the law prohibits others from doing it. It is often used as a transitional measure when a new regulatory regime is being introduced.

<sup>21</sup> For example: Kay Farmer [PAP 18], p.2; Animal Protection Agency [PAP 28], para 19; Rachel Hevesi (Wild Futures), Q.18; Wild Futures [PAP 10], para 21–24; RSPCA [PAP 36], para 32

<sup>22</sup> For example: Rachel Hevesi (Wild Futures), Q.9; European Alliance of Rescue Centres and Sanctuaries (EARS) [PAP 17], para 1.4; Eurogroup for Animals [PAP 21], p.2;

<sup>23</sup> For example: Born Free Foundation [PAP 15], p.3; RSPCA [PAP 36], para 29–30; Humane Society International [PAP 29], para 21–22.



represent an ideological attack on keepers and breeders and represent the “thin end of a wedge” that will eventually encompass a ban on keeping all exotic animals as pets.<sup>24</sup> Arguments typically made by those who oppose a ban are outlined below:

- Primates should not normally be kept “as pets” but this does not rule out the possibility of private keepers caring for these animals in a satisfactory manner.<sup>25</sup>
- Keeping primates in a domestic setting in isolation and on inappropriate diets is already against the law, so there is little to gain from further legislation or a ban. Animal welfare is more likely to be protected by effective enforcement and application of existing legislation rather than new legislation or a ban.<sup>26</sup>
- A wider ban on the trade in primates or on all private keeping of primates would mean that knowledgeable people who keep primates in appropriate conditions would be unable to continue to do so. This would penalise law-abiding, responsible owners because of the actions of irresponsible owners;<sup>27</sup>
- A ban would be disproportionate to the scale of the problem and without any real foundation.<sup>28</sup>
- A ban would be costly and difficult to enforce.<sup>29</sup>
- A ban on the trade in primates as pets could force websites overseas where they are out of reach from UK authorities but could still advertise pet primates to prospective buyers in the UK; the work of the Pet Advertising Advisory Group (PAAG)<sup>30</sup> is more likely to prove an effective way of addressing the issue;<sup>31</sup>
- A ban on the trade and keeping of primates as pets would force these activities underground and, in doing so, deny pet primates proper veterinary care because keepers could not take the animals openly to a vet to be looked at.<sup>32</sup>

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<sup>24</sup> Private animal keeper and breeder, name withheld [PAP 20], p.3

<sup>25</sup> For example: Pet Industry Federation [PAP 40], p.1; Wetheriggs [PAP 2], p.1; Alison Cronin (Monkey World), Q.40 and 41; Name Withheld [PAP 30], para 1

<sup>26</sup> For example: Reptile and Exotic Pet Trade Association [PAP 11], para 11; Defra [PAP 27], para 7.2; Lord De Mauley, Q.79;

<sup>27</sup> For example: Andrew Greenwood, Q.40; Mike Seton, Q.17; Alison Cronin (Monkey World), Q.36; Defra [PAP 27], para 7.3; Wetheriggs [PAP 2], p.1;

<sup>28</sup> For example: Reptile and Exotic Pet Trade Association [PAP 11], p.2; Lord De Mauley, Q.45; Defra [PAP 27], para 7.3; Pet Industry Federation [PAP 40], p.2

<sup>29</sup> Andrew Greenwood, Q.40; Defra [PAP 27], para 7.2; Lord De Mauley, Q.45 and 75;

<sup>30</sup> The Pet Advertising Advisory Group (PAAG) is an advisory group made up of animal welfare organisations, specialists, vets, and Defra representatives working to promote responsible pet advertising.

<sup>31</sup> Lord De Mauley, Q.52

<sup>32</sup> Christopher Moiser [PAP 6], para 7; Wetheriggs [PAP 2], p.2; Lord De Mauley, Q.75; Mike Seton, Q.19; Name Withheld [PAP 20], p.2;

- It is arrogant and illogical to suggest that only a zoo or sanctuary can keep animals to a certain standard. Zoos themselves evolved from private collections of wild animals established by the wealthy.<sup>33</sup>

11. While we support the potential adoption of a ban in principle, this is a draconian step that must be based on solid evidence. In the next chapter, we highlight the absence of reliable data and make recommendations for addressing this “evidence deficit”. In subsequent chapters, we look at ways of safeguarding the welfare of privately kept primates by suggesting improvements to the existing regulatory framework and the way in which it is implemented.

**12. A ban remains a possible way of addressing the welfare problems associated with primates being kept as pets. However, this is not a solution that should be adopted in the absence of reliable, compelling evidence or while there is still potential for improving the operation of the existing regulatory framework. Obtaining a more reliable evidence base must be the first task for Government.**

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<sup>33</sup> Alison Cronin (Monkey World), Q.41; Name Withheld [PAP 30], para 1

## 3 The scope and scale of the problem

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### The number of primates kept as pets

13. Witnesses quoted a wide range of estimates of the number of primates kept as pets. Most agreed that the numbers given were, at best, informed guesses. At one end of the scale, wildlife charity Care for the Wild International told us that “Within the UK, it is estimated that there could be as many as 15,000–20,000 primates as pets”.<sup>34</sup> This seems to have come from figures quoted by primate keepers and dealers.<sup>35</sup>

14. A lower estimate was provided by Wild Futures and the RSPCA. Using data obtained from Freedom of Information (FOI) requests on the number of individual primates licensed under the Dangerous Wild Animals Act 1976 (DWAA), the two charities suggested that between 2,485 and 7,454 primates were being privately kept throughout England, Scotland and Wales in 2009.<sup>36</sup> These numbers included estimates of rates of non-compliance with licensing requirements. By 2012, the lower bound figure for privately kept primates had increased by 21%. Wild Futures said in written evidence, “We now estimate that there are between 3,006 [and] 9,017 privately kept primates in Great Britain”.<sup>37</sup>

15. In February 2014, Ros Clubb, Senior Scientific Officer at the RSPCA, and Rachel Hevesi, Director of the charity Wild Futures, acknowledged that this estimate was “very much a guesstimate”<sup>38</sup> but said that the figures were borne out by the proportion of animals arriving at the Wild Futures Monkey Sanctuary without a licence. However, Andrew Greenwood, a member of the British Veterinary Zoological Society (BVZS), told us that “the numbers are way overestimated, possibly by a factor of 10. The numbers of primates in this country is probably fewer than 1,000. We have had figures cited up to 9,000; they are completely out of the air”.<sup>39</sup>

16. Defra has admitted the absence of accurate figures on the numbers of pet primates in the UK. In written evidence, it said: “it is not clear how many primates are kept privately in this country—the estimates range from 2,500 to 7,500. These are rough estimates based around numbers of 1976 Act licenses”.<sup>40</sup> Primatologist and consultant in animal welfare, Lisa Riley, told us that without further research, there was little chance of building up a more accurate picture of the pet primate population in the UK:

The number and species of primates kept in the UK is unknown, partly due to a lack of regulation and partly due to a lack of enforcement of existing

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<sup>34</sup> Care for the Wild International [PAP 9], para 3(a)

<sup>35</sup> RSPCA and Wild Futures, [Primates as Pets: Is there a Case for Regulation?](#), July 2012, p.10 and RSPCA [PAP 36], para 8.

<sup>36</sup> RSPCA and Wild Futures, [Primates as Pets: Is there a Case for Regulation?](#), July 2012, p.10

<sup>37</sup> Wild Futures [PAP 10], para 6.

<sup>38</sup> Q 4

<sup>39</sup> Q 29

<sup>40</sup> Defra [PAP 27], para 5.1

legislation ... Without a national survey of pet keeping [,] numbers will only ever be estimates and thus the proportion of primates being kept well and those who are neglected or abused remains unquantifiable.<sup>41</sup>

## The size of the primate pet trade

17. Similar uncertainty exists about the size of the primate pet trade. The RSPCA pointed out that “obtaining accurate data on the extent of the trade ... is extremely difficult due to a lack of regulation and the fact that most trade appears to occur in private”.<sup>42</sup> The Animal Protection Agency, an organisation focusing on the trade in wild animals as pets, agreed:

The scale of the primate trade is impossible [to] gauge as it is largely unregulated. Much of the trade is also clandestine. Primates are rarely found on sale in pet shops but, in some cases, can be ordered on request ... [Primate sellers] may use ... outlets such as password-protected forums and Facebook etc—methods that are common for other exotic animal traders.<sup>43</sup>

18. A further obstacle to accurate estimation of trade size is the existence of bogus or scam advertisements for primates on the internet. Animal protection charity OneKind observed that:

It is ... difficult to measure the size of the trade on the basis of internet advertising, as this sector appears to be particularly vulnerable to “scamming”, a fact that is regularly referred to in advertisements. This may be connected [to] the high cost of primates, from several hundred to several thousand pounds each.<sup>44</sup>

Lord de Mauley told us that:

It is quite difficult [to measure the size of the trade by looking at advertisements] because I understand that there are quite a lot of bogus adverts; in fact, I suspect the majority of adverts are bogus and designed to defraud people. As I say, it is quite difficult to get a handle on an accurate number.<sup>45</sup>

19. An alternative view was expressed by Blue Cross, an animal charity and member of the Pet Advertising Advisory Group (PAAG). Blue Cross recently analysed the live advertisements for primates on the website UK Classifieds. It told us:

There are around 350 live adverts concerning primates on UK Classifieds, [which are] split between those offering primates for sale and those seeking to buy a primate. In our opinion the majority of these adverts are genuine and not bogus or fraudulent. We are able to conclude this is the case by

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<sup>41</sup> Lisa Riley [PAP 24], p.2

<sup>42</sup> RSPCA [PAP 36], para 1.

<sup>43</sup> Animal Protection Agency [PAP 28], para 4.

<sup>44</sup> OneKind [PAP 26], para 5.

<sup>45</sup> Q 51.

examining photographs for repeat images: examining vendor history on the site, and identifying trends.<sup>46</sup>

20. As with primate pet keeping, the absence of robust evidence on the size of the trade has allowed a wide range of views to flourish. The Reptile and Exotic Pet Trade Association (REPTA) considers that while, “There has, historically, been a small trade in primates as pets, predominantly wild-caught animals imported in the late nineteenth to late twentieth century ... today such a trade is non-existent”.<sup>47</sup> Conversely, Lisa Riley pointed out that “If you Google ‘monkey for sale in the UK’, it is clear there is a huge problem and vast availability, particularly of deregulated species and marmosets”.<sup>48</sup>

## Undertaking further research

21. The Minister indicated a lack of appetite to undertake independent research on the scale and scope of the problem:

I am doubtful that it would be a good use of resources to carry out a detailed survey. It would be an exercise fraught with practical difficulties, and it would be expensive to get anything near a reliable figure. Given the size of the problem, as suggested by the majority of welfare charities, it would be difficult to justify it.<sup>49</sup>

22. This argument is circular in nature. The Government does not have accurate figures for the numbers of primates kept and traded as pets but says that it does not want to conduct research to obtain these figures because the size of the problem does not justify it.

23. Wild Futures also told us, however, that “it would be wasteful of resources to attempt to research these figures further” given the numbers of primates that do not require licences and also the high rate of non-compliance with licensing regimes.<sup>50</sup>

**24. We have been struck by the wide range of estimates of the numbers of primates both kept and traded as pets in the UK, as well as the lack of confidence in these numbers expressed by many witnesses.**

***25. We recommend that Defra commission independent research on the number and type of primates being traded and kept as pets in the UK. To increase the reliability of this research, we recommend that private keepers be given six months to register their primates before research begins. This call for registration should be supported by a publicity campaign explaining the benefits of registration, or a sanction. The Government should inform us of the results of this research within six months of receiving them, along with its plans for securing the welfare of pet primates in light of these results.***

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<sup>46</sup> Blue Cross [PAP 44], p.1

<sup>47</sup> Reptile and Exotic Pet Trade Association [PAP 11], para 4.

<sup>48</sup> Q 28

<sup>49</sup> Q 55

<sup>50</sup> Wild Futures Supplementary [PAP 46], p.1

## 4 The regulatory framework

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26. A framework of domestic and international rules, regulations and guidance applies to different aspects of keeping and trading pet primates in the UK. Of chief relevance to our inquiry are the Animal Welfare Act 2006 (AWA) and the accompanying Primate Code, the Dangerous Wild Animals Act 1974 (DWAA), the Pet Animals Act 1951 and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

### The Animal Welfare Act 2006

27. The Animal Welfare Act, which received Royal Assent on 8 November 2006, was designed to reduce animal suffering by consolidating and updating more than 20 pieces of animal welfare legislation relating to farmed and non-farmed animals. Sections 4 and 9 of the AWA make it an offence, respectively, for a person to cause unnecessary suffering to an animal, and for a person responsible for an animal to fail to take reasonable steps to ensure that the animal's needs are met. For the purposes of the AWA, an animal's needs are taken to include:

- a suitable environment (how it is housed);
- a suitable diet (what it eats and drinks);
- the ability to exhibit normal behaviour patterns;
- any need it has to be housed with, or apart from, other animals, and
- protection from pain, suffering, injury and disease.<sup>51</sup>

28. Under the AWA, the maximum penalty for causing unnecessary suffering to an animal is six months imprisonment or a fine of £20,000 or both. The maximum penalty for failing to provide for the welfare needs of an animal is six months imprisonment or a fine of £5,000 or both.<sup>52</sup>

29. The Government appears confident that the AWA provides adequate protection for the welfare of privately kept primates. Defra has said that “If keeping a primate as a pet means keeping it in the domestic setting, whether in a cage or running free, then this would be likely to be in breach of section 9 of the Animal Welfare Act 2006 (the need to provide an animal with its welfare needs)”.<sup>53</sup>

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<sup>51</sup> Animal Welfare Act 2006, s9 (2)

<sup>52</sup> Animal Welfare Act 2006, s32(1)(b), 32(2) (b) and 32(5). The anticipated change to a maximum penalty of 51 weeks imprisonment for both of these offences, referred to in s32(1)(a) and 32(2)(a) of the AWA, will not take place unless and until s281(5) of the Criminal Justice Act 2003 is brought into force. As things stand, the maximum term of imprisonment remains six months.

<sup>53</sup> Defra [PAP 27], para 1.5

30. On 5 February, the Minister told us that “keeping primates in a domestic setting in isolation, outside a social group and on inappropriate diets is already against the law. It is against the Animal Welfare Act”.<sup>54</sup> The Minister described the AWA as “an extremely effective piece of legislation” and added shortly after, “I am confident the legislation is adequate to deal with animal welfare ... The legislation does not need changing; it is a question of how to interpret it, and that is what the [primate] code helps with”.<sup>55</sup>

31. The Reptile and Exotic Pet Trade Association (REPTA) agreed that the AWA provided adequate protection for primates. In written evidence it said, “It is clear that there is already sufficient legislation under the Animal Welfare Act that prevents the inappropriate keeping of primates as pets and that current legislation is adequate and effective”.<sup>56</sup> The Pet Industry Federation thought that the “Primate Code of Practice, the Animal Welfare Act and Dangerous Wild Animal[s] Act combined are more than sufficient to assure the welfare of animals”.<sup>57</sup>

32. In written evidence, the RSPCA acknowledged that

The “duty of care” introduced by the AWA has no doubt helped protect animal welfare but one must first know where the animal is kept before positive action can be taken; a difficult task when the majority are privately kept behind closed doors.<sup>58</sup>

**33. The Animal Welfare Act was welcomed by a cross section of organisations when it passed into law in 2006 and it remains popular today. We received little evidence to suggest that the Act itself needs further amendment. Where concerns were raised, they tended to focus on matters of interpretation and enforcement which we address in separate sections of this report.**

## The Primate Code

34. The Primate Code, made under section 14 of the AWA, is a guide to the steps that a primate keeper must take to meet the needs of the animal referred to in AWA section 9. Breaching a Code provision is not, in itself, an offence but a court can take into account the extent to which a person has complied with the Code in determining whether or not that person has committed an offence.<sup>59</sup> Many witnesses expressed concerns about the Code.

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<sup>54</sup> Q 45

<sup>55</sup> Qq 60–61

<sup>56</sup> Reptile and Exotic Pet Trade Association [PAP 11], para 13

<sup>57</sup> Pet Industry Federation [PAP 40], p.1

<sup>58</sup> RSPCA [PAP 36], para 13.

<sup>59</sup> Defra, [Code of Practice for the Welfare of Privately Kept Non-Human Primates](#), 21 January 2010, p.1

### ***A need for specific, unambiguous information***

35. One concern, frequently raised, was that the Code was too general and ambiguous to be useful. It could be interpreted in too many different ways, which undermined its effectiveness and prevented it from achieving its objectives. In Lisa Riley's view

The code of practice is completely ineffective. It takes an expert to try to decipher it. For the layperson out there, who has just purchased a primate off the internet, getting ... generalised information that is not relevant to a particular species is not helpful.<sup>60</sup>

36. Hannah Buchanan-Smith, an expert in primate behaviour and welfare, said:

The Code of Practice is too general—each species of primate has specific needs, and combined with lack of regulation and inspection the Code does not provide an acceptable mechanism for ensuring adequate welfare standards. Owners need very specialist knowledge and training.<sup>61</sup>

37. Elizabeth Tyson, a doctoral researcher at the University of Essex School of Law, pointed out that “The purposes of the codes [made under section 14 of the AWA] is to give meaning and clarity to the legislation”.<sup>62</sup> She considered it “vital that codes of practice are easily interpreted in line with the legal demands to which they relate ... and that they are as prescriptive and unambiguous as possible”.<sup>63</sup> She goes on to say that “The obvious result of attempting to create all-encompassing guidance to cover all the welfare needs of all primate species is ambiguity”.<sup>64</sup>

38. The RSPCA explained that, while “the requirements outlined in the Primate Code are necessar[il]y very general ... the intention was to add more ... detail in [attachments containing species-specific information]. This never happened, leaving most provisions open to interpretation and requiring further research”.<sup>65</sup> When we asked Lisa Riley how the Code could be improved, she said that “As a standalone document, as it is, it needs to be fragmented and made into species-specific guidance if it is going to remain in place”.<sup>66</sup>

**39. If the Primate Code is to be effective, then it must contain information that is both detailed and specific enough to enable private keepers to meet the welfare needs of their animals. Equally, the Code must be drafted with sufficient clarity to allow someone who has never owned a primate of a particular species to gain a reasonable understanding of how to comply with the law, and to allow a court to determine whether or not the Code has been complied with.**

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<sup>60</sup> Q 33

<sup>61</sup> Hannah Buchanan-Smith [PAP 16], para 2.2

<sup>62</sup> Elizabeth Tyson [PAP 12], para 2.2

<sup>63</sup> Elizabeth Tyson [PAP 12], para 3.1

<sup>64</sup> Elizabeth Tyson [PAP 12], para 3.2

<sup>65</sup> RSPCA [PAP 36], para 20

<sup>66</sup> Q 36



40. ***We recommend that the Government take the opportunity presented by its forthcoming review of the Primate Code to ensure that the Code is drafted in a clear and precise manner that makes it easy to enforce and comply with. We also recommend that species-specific appendices are added to the Primate Code. The Government should begin its review with immediate effect.***

### **A “primate-centred” approach**

41. In evidence to the Committee, Monkey World, a primate rescue centre, emphasised the need for a more comprehensive, logical and joined-up approach to the regulation of primates in captivity. This might be termed a “primate-centred” approach since it is designed to ensure that a particular primate would enjoy an equivalent level of care, irrespective of whether it was being held in a zoo, circus, private home or pet shop.<sup>67</sup> Alison Cronin, Director of Monkey World, said that:

The highest duty of care is [contained] in the Zoo Licensing Act. If a capuchin monkey in a zoo or wildlife park is deserving of a certain standard of care and has a right to that standard of care, that applies behind the net curtains as well. The monkey remains the same; it does not change; its needs are still the same.<sup>68</sup>

42. Similar views have been expressed by other primate sanctuaries and animal welfare organisations. If the highest standards are to be found in the regulatory regime for zoos, and the *Secretary of State’s Standards of Modern Zoo Practice* (the Zoo Standards) in particular,<sup>69</sup> there is a case for raising the standards in the Primate Code to a level that is similar or equivalent to those contained in the Zoo Standards.

43. Adopting a “primate-centred” approach also involves looking across the entire journey that a privately kept primate makes—from birth, through to sale and transportation to its life in captivity and eventual demise—to ensure that its welfare is adequately protected at all times in its life. Looking at the Code from this perspective, there appears to be significant scope for improvement. Alison Cronin perceived gaps in the Code:

It does not cover the full trade, from beginning to end. It does not cover breeders and what they do, what age they can remove animals from the mother’s care in order to pass that animal onto another individual. It does not cover how you transport those animals across the country when somebody buys it off the internet. It does not even cover who is considered a breeder from their private home.<sup>70</sup>

44. **While the specific details involved in adequately caring for a primate vary according to setting, there is a strong case for ensuring that primates being held in any setting**

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<sup>67</sup> Monkey World [PAP], para 15 and Q 36 [Alison Cronin]

<sup>68</sup> Q 36

<sup>69</sup> Defra, [Secretary of State’s Standards of Modern Zoo Practice](#), 11 September 2012.

<sup>70</sup> Q 35

enjoy a similar standard of care. It is also important to ensure that adequate protection is afforded to privately kept and traded primates at all stages in their lives.

45. *We recommend that the Government adopt a “primate-centred” approach when it reviews the Primate Code. This should include raising the standards in the Code to a level equivalent to zoo standards and ensuring that the Code adequately covers all stages in the life of a privately kept primate, including breeding and transportation.*

## Dangerous Wild Animals Act 1976

46. The Dangerous Wild Animals Act 1976 (DWAA) was introduced following a fashion in the 1970s for keeping exotic animals, especially big cats, as pets. It received Royal Assent on 22 July 1976 and came into force on 22 October 1976. The aim of the Act is to ensure that, where private individuals keep dangerous wild animals, they do so without creating a risk to the public and, to a lesser extent, to protect the welfare of the animals.

47. Animals listed in a Schedule to the DWAA are subject to a licensing regime administered and enforced by local authorities. A licence must not be granted by a local authority unless it is satisfied that it would not be contrary to the public interest on grounds of safety or nuisance to do so, that the applicant is a suitable person, and that the animal’s accommodation is adequate and secure.<sup>71</sup>

48. The RSPCA explained that “although most primate species are listed [in the DWAA Schedule], those we believe to be most commonly kept as pets, such as marmosets, squirrel monkeys and tamarins are not”.<sup>72</sup> Some of these species were originally included in the DWAA Schedule but subsequently de-listed in October 2007.<sup>73</sup>

49. The result, according to witnesses such as Elizabeth Tyson, is that the DWAA “cannot be considered to be an effective legal mechanism for the protection of the welfare of privately kept primates in the UK”.<sup>74</sup> Wetheriggs Animal Rescue and Conservation Centre observed that

the major problems seem to be with those primates that do not fall under the [DWAA] ... if these species were regulated in the same way that the “dangerous primates” are ... then most of the nightmare would be done away with.<sup>75</sup>

50. Defra challenged this idea on the basis that

the 1976 Act is principally about protecting people from animals rather than providing additional welfare protection to animals ... legal advice has confirmed that, if species were listed for reasons other than their

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<sup>71</sup> Dangerous Wild Animals Act 1976, s1(3).

<sup>72</sup> RSPCA [PAP 36]

<sup>73</sup> The Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007 (SI 2007/2465).

<sup>74</sup> Elizabeth Tyson [PAP 12], p.2

<sup>75</sup> Wetheriggs Animal Rescue and Conservation Centre [PAP 2], p.1–2.

dangerousness, then there would be a high risk of legal challenge being successful.<sup>76</sup>

51. Some witnesses, such as Douglas Richardson, Animal Manager at the Highland Wildlife Park, suggested that “from a disease perspective specifically, it would be prudent to include all primates under the [DWAA]”.<sup>77</sup> However, even assuming such arguments were accepted by Defra, other drawbacks with the DWAA would remain.

52. According to the RSPCA, “The inadequacies of the DWAA are many, most notably extremely high levels of noncompliance ... There is also a lack of understanding within local authorities about their responsibilities under the DWAA and the needs of primates”.<sup>78</sup> We discuss these matters further in the next Chapter.

53. In light of the evidence we received, we considered the merits of recommending the establishment of a new licensing system, covering all primate species, under the auspices of section 13 of the Animal Welfare Act 2006. While this remains a possibility, such a course of action would be difficult to justify in the absence of more reliable information about the scale and scope of the problem being addressed. We are also mindful of the need to avoid the mistakes of the past. As the Minister said, “we used to have a system for licensing dogs in this country which was abandoned because it was expensive to administer and many dog owners simply ignored it”.<sup>79</sup> The dog licence was abolished in 1987 at which point it cost just 37p and was held by just 50% of dog owners.<sup>80</sup>

**54. The Dangerous Wild Animals Act 1976 cannot be considered to be an effective mechanism for protecting the welfare of pet primates. Commonly kept primate species do not have to be licensed under the Act and the focus of the Act is on protecting people from animals rather than the other way around. If the results of the research exercise we recommend in Chapter 3 suggest that a more comprehensive licensing system for pet primates is justified, this could be achieved under the auspices of the DWAA or the Animal Welfare Act. However, the problems associated with pet licensing schemes in the past suggest that this should not be regarded as a panacea.**

## Pet Animals Act 1951

55. The Pet Animals Act, which came into force on 1 April 1952, protects the welfare of animals sold as pets. It requires anyone keeping a pet shop to be licensed by their local authority.<sup>81</sup> Before granting a licence, a local authority must be satisfied that, among other

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<sup>76</sup> Defra [PAP 27], para 3.14

<sup>77</sup> Douglas Richardson [PAP 42], para 3; Ash Veterinary Surgery [PAP 39], p.1

<sup>78</sup> RSPCA [PAP 36], para 16.

<sup>79</sup> Q 69

<sup>80</sup> [Dogs](#), Research Paper 98/6, House of Commons Library, January 1998, p.6

<sup>81</sup> Keeping a pet shop is defined as “carrying on at premises of any nature ... a business of selling animals as pets”. The definition excludes a person who only keeps or sells pedigree animals bred by him or the offspring of an animal kept by him as a pet.

things, the animals are: kept in suitable and clean accommodation; supplied with appropriate food and drink, and adequately protected from disease and fire.<sup>82</sup>

56. A local authority can issue a licence with conditions, such as limiting the species of animals that the pet shop may sell, and has powers to investigate allegations of cruelty or poor welfare in a pet shop. Anyone who keeps a pet shop without a valid licence, or who breaches their licence conditions, is committing an offence. The maximum penalty for such an offence is three months imprisonment or a fine of £500, or both.<sup>83</sup>

57. Evidence suggests that the Act is ill-equipped to deal with the problems of the internet age. OneKind, an animal protection charity, described how

Animals, including primates, can be ordered from internet classified advertising sites and, in theory at least, delivered within a day or two to distant locations without any monitoring, regulation or specific welfare provision. The Pet Animals Act 1951 dates from before the birth of the internet, or indeed its inventor, and cannot regulate this trade.<sup>84</sup>

58. The result is ambiguity and confusion among those who have to comply with or enforce the Act, and gaps in the regulatory framework. Lisa Riley told us that some local authorities “have expressed confusion as to whether online pet shops require a licence because they do not sell from a physical premises”.<sup>85</sup> Meanwhile, she says, there is substantial evidence of private online sales, which are exempt from licensing.<sup>86</sup>

59. Ambiguity and confusion are not helped by a lack of guidance, a further problem identified in evidence. Monkey World and Animal Defenders International, an international campaigning group, pointed to the lack of clarity in guidance or legislation about how many primates a person could sell from their home before they were treated as a commercial operator and subject to the same licensing standards as a pet shop.<sup>87</sup> The Animal Protection Agency, said that:

Even where sellers are licensed under the Pet Animals Act 1951, no specific and formal guidance is provided for primates and, furthermore, there is no mention of primates in the Model Conditions for Pet Vending Licensing 2013 (minimum standards for pet shops published by the Chartered Institute of Environmental Health).<sup>88</sup>

60. Monkey World drew our attention to the lack of adequate information and training given by those who sell pet primates to prospective owners:

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<sup>82</sup> Pet Animals Act 1951, s1(3)

<sup>83</sup> Defra [PAP 27], para 3.9–3.10

<sup>84</sup> Defra [PAP 27], para 3.14

<sup>85</sup> Lisa Riley [PAP 24], p.2

<sup>86</sup> Lisa Riley [PAP 24], p.2

<sup>87</sup> Monkey World [PAP 31], para 18 and Animal Defenders International [PAP 34], para 5

<sup>88</sup> Monkey World [PAP 31], para 17

In our experience private breeders, pet shops and dealers do not give adequate information, let alone training, to prospective owners and often the information given is inaccurate or wrong. In order to secure a sale ... [prospective] owners are told ... [information] which is inaccurate [or] untrue.<sup>89</sup>

While this problem is not unique to online sales, internet trading can often make it worse.

**61. The Pet Animals Act 1951 entered the statute books at a time when there was much less interest in keeping or breeding exotic animals as pets and before online sales of pet primates had been contemplated. A review of the Act would be beneficial to ensure that it remains relevant in the internet age.**

*62. We recommend that Defra review the Pet Animals Act 1951 to ensure that it remains relevant and effective in the internet age.*

### **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

63. CITES, an international agreement drawn up in 1973, controls the international trade in primates, among other wild fauna and flora. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. The species covered by CITES are listed in three Appendices according to the degree of protection provided.

64. Specimens of Appendix I species may be traded only in exceptional circumstances. Trade in specimens of Appendix II species is controlled to ensure the survival of the species. Appendix III contains species that are listed in at least one country that has asked other CITES Parties for assistance in controlling the trade. All primate species are listed in either Appendix I or Appendix II.

65. CITES is implemented in the European Union by Council Regulation 338/97 and Commission Regulation 865/2006 (collectively, the EU CITES regulations). The Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES) enforce CITES in the UK.

66. We received little evidence in relation to CITES, the EU CITES regulations or COTES during our inquiry. The Minister, Lord de Mauley, told us that “Imports of wild-taken primates are subject to particularly rigorous control under the CITES system”,<sup>90</sup> although this was disputed in supplementary evidence from Wild Futures.<sup>91</sup>

67. There was, however, consensus among witnesses that the domestic trade in pet primates presented a greater problem than international imports. According to Defra,

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<sup>89</sup> Monkey World [PAP 31], para 17

<sup>90</sup> Q 49

<sup>91</sup> Wild Futures Supplementary [PAP 46], p.3

there is little evidence to show that wild-caught primates are being transported to this country for the pet trade. It is more likely that UK residents will obtain a captive bred primate than one that is wild caught and then transported to this country.<sup>92</sup>

68. Ros Clubb of the RSPCA said:

The general impression we get is that the majority [of pet primates] are not being brought into the country, although that does occur. There is certainly breeding within the country that is leading to an increase in the numbers kept.<sup>93</sup>

**69. We received little evidence to suggest that changes to the CITES system are necessary to protect the welfare of privately kept primates in the UK. The evidence we received suggested that the domestic trade in pet primates represents a greater problem than international imports into the UK.**

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<sup>92</sup> Defra [PAP 27], para 2.3

<sup>93</sup> Q 7. See also Humane Society International [PAP 29], para 11.

## 5 Application and enforcement

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70. Responsibility for applying and enforcing the regulatory framework applicable to the welfare of pet primates generally rests with local authorities. Local authorities are responsible for administering and enforcing the Pet Animals Act 1951 and the Dangerous Wild Animals Act 1976. Depending on the type of offence and the animals involved, enforcement of the Animal Welfare Act 2006 may be led by the RSPCA, local authorities, the police or Defra. The RSPCA usually leads on AWA cases relating to companion and domestic animals.<sup>94</sup>

### High levels of non-compliance

71. Evidence suggests that the regulatory framework is not being applied or enforced adequately and that levels of non-compliance are high. Much of the evidence we received on this topic referred to the DWAA, and the Primate Code, but some witnesses referred to non-compliance with other elements of the regulatory framework such as the Pet Animals Act 1951 and CITES.

72. The RSPCA and Lisa Riley described “extremely high levels of non-compliance [with the DWAA], estimated to be 85 to 95%”.<sup>95</sup> Rachel Hevesi of Wild Futures told us that “Of those animals that arrive at the Wild Futures Monkey Sanctuary, about 82% have never been licensed or were not licensed at some stage”. Research by the RSPCA revealed that “amongst local authorities awareness of the Primate Code is low, greatly restricting its usefulness, and that provisions within the Code are not always applied”.<sup>96</sup> The RSPCA had also found “very little evidence of awareness of the Primate Code amongst keepers” and that “even when owners are aware, they do not appear to abide by it”.<sup>97</sup>

73. A lack of awareness of the rules and guidance is likely to be an important factor in explaining high rates of non-compliance. Lord de Mauley, described “a misconception among some members of the public that it is acceptable to keep a primate in a cage, feed it an inappropriate diet and keep it on its own”.<sup>98</sup> He suggested that, while this was against the law, there was a need to explore “how we get that message out”.<sup>99</sup>

74. Mike Seton, Senior Veterinary Officer at the City of London Corporation, told us that while “Some local authorities are quite keen on enforcing the Dangerous Wild Animals Act ... Almost certainly, there is a large underreporting of animals under the [Act]”.<sup>100</sup> He put

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<sup>94</sup> Defra, [Animal Welfare Act 2006: Who enforces the Act?](#), 15 August 2008.

<sup>95</sup> RSPCA [PAP 36], para 16 and Lisa Riley [PAP 24], p.2

<sup>96</sup> RSPCA [PAP 36], para 21

<sup>97</sup> RSPCA [PAP 36], para 22.

<sup>98</sup> Q 45

<sup>99</sup> Q 45

<sup>100</sup> Q 11

this down to two factors: the cost of a licence and the relative ease with which people can avoid it.<sup>101</sup>

75. For many witnesses, high non-compliance rates reflected the limitations in resources and expertise in local authorities charged with enforcing the legislation. REPTA acknowledged that “Animal welfare is a low priority for local authorities which, whilst regrettable, is understandable when resources are stretched thinly”.<sup>102</sup> The Pet Industry Federation said

consideration must be paid to those carrying out the inspection process ... inspectors must have a thorough knowledge and understanding of the species in question and ... local authorities should have sufficient resources for adequate enforcement, as we understand that compliance under the DWA[A] is low.<sup>103</sup>

Monkey World told us that:

Local authority persons in charge of assessing DWA licences are not qualified in the care of exotic animals and in particular primates, nor are RSPCA inspectors. This makes applying the Code of Practice a nonsense as there is no understanding of basic animal husbandry or animal behaviour.<sup>104</sup>

76. If lack of expertise is one of the main drivers of weak enforcement, one potential solution is for local authorities to buy in specialist expertise. Mike Seton told us that this is something that most local authorities would do,<sup>105</sup> but some witnesses highlighted a potential shortage of appropriately qualified vets. Rachel Hevesi told us that “appropriately qualified vets are still in very short supply”<sup>106</sup> while the Born Free Foundation explained that “Exotic animal medicine remains a minor part of the veterinary curriculum and specialist knowledge of primate medicine is not widespread among veterinary practitioners”.<sup>107</sup>

77. Andrew Greenwood, a member of the British Veterinary Zoological Society (BVZS), had a different view. He said:

We at BVZS have tried to pressure Defra to ask local authorities to use people off the zoo-licensing inspectors list and people who have diplomas in zoo and wildlife medicine, of which we have quite a lot. There are quite a lot of people who could do the job properly ... It is not a question of not being able to find

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<sup>101</sup> Q 11

<sup>102</sup> Reptile and Exotic Pet Trade Association [PAP 11], para 23.

<sup>103</sup> Pet Industry Federation [PAP 40], p.1–2

<sup>104</sup> Monkey World [PAP 31], para 14.

<sup>105</sup> Q 14

<sup>106</sup> Q 14

<sup>107</sup> Born Free Foundation [PAP 15], p.3



somebody. However, if local authorities have contracted somebody to do their other inspections, they tend to give them that, too.<sup>108</sup>

**78. A regulatory framework will not achieve its objectives if levels of non-compliance are high, and evidence suggests that non-compliance with the framework governing the welfare of pet primates is too high. Reasons for this include low awareness of the rules and guidance amongst local authorities, keepers and members of the public, and limitations on the resources and expertise held by local authorities. Constraints on public funding make it unlikely that more resources will become available in the near future.**

***79. We recommend that Defra launch a public education campaign to raise awareness of the Dangerous Wild Animals Act 1976 and the Primate Code among local authorities, primate keepers and members of the public.***

### Variation in practice

80. In June 2001, Defra published an *Effectiveness Study of the Dangerous Wild Animals Act 1976*.<sup>109</sup> The authors of the study found that the “licensing procedures and fees charged ... vary widely between areas”.<sup>110</sup> They also found that “some local authorities have failed to apply mandatory conditions to licences, [while] others have granted unlawful retrospective licences”.<sup>111</sup> The authors noted that “Local authorities received a guidance circular from the Home Office shortly before the Act came into force, but there has been no official guidance from a government department since then”.<sup>112</sup>

81. On the evidence we received during our inquiry, it seems that little has changed on these matters since the Effectiveness Study was published. Andrew Greenwood, one of the authors of the Study, told us:

The gap we are waiting to be filled with the DWA is actually from Defra, which has been promising guidelines for local authorities on how to properly administer the DWA for quite a long time. We are pressing them to actually get them out there.<sup>113</sup>

82. When we asked the Minister to explain the reasons for the delay in issuing this guidance he said, “we are actively working on that guidance and will expedite it. I will take away that message ... It is going through the usual procedures to get it right”.<sup>114</sup> A page from Defra’s website, originally published in October 2008 and updated in June 2010, states that

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<sup>108</sup> Qq 33–34

<sup>109</sup> Defra, *Effectiveness Study of the Dangerous Wild Animals Act 1976*, June 2001.

<sup>110</sup> Defra, *Effectiveness Study of the Dangerous Wild Animals Act 1976*, June 2001. P.2

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> Q 34

<sup>114</sup> Q 48

the Department will soon be publishing comprehensive guidance for local authorities and keepers on the provisions of the Act ... It is hoped the guidance ... will promote a more consistent implementation of the legislation, assist with increasing support and compliance amongst animal keepers and, ultimately, in more effective operation of the Act.<sup>115</sup>

83. These objectives seem laudable, but we are keen to ensure that the opportunity is taken to encourage local authorities to employ inspectors with the necessary expertise in zoo and wildlife medicine. As Alison Cronin told us, “it would be very easy for the Government to issue advice ... to local authorities to employ the inspectors and the known experts in this field of work in licensing situations”.<sup>116</sup>

**Guidance from central Government to local authorities on the provisions and implementation of the Dangerous Wild Animals Act 1976 is long overdue. As a result, opportunities have been lost to reduce wide variations in the application and enforcement of the Act and to ensure that DWAA inspectors have sufficient expertise to carry out their role effectively.**

*84. We recommend that Defra issue its guidance to local authorities on the provisions and implementation of the Dangerous Wild Animals Act 1976 without further delay. This guidance should include advice to authorities on employing experts from the zoo-licensing inspectors list or those with diplomas in zoo and wildlife medicine.*

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<sup>115</sup> Defra, Dangerous Wild Animals Act: Review of the Act, June 2010.

<sup>116</sup> Q 38

## 6 Conclusion

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85. Our inquiry set out to examine the issues around the keeping of primates as pets in the UK and whether or not a ban should be introduced. We found significant scope for improvement in some of the key elements of the regulatory framework governing the welfare of pet primates and the way in which it is being applied. Regulatory gaps and high levels of non-compliance also make it very difficult to produce reliable estimates of the extent of the trade and keeping of primates as pets in the UK.

86. Whilst some witnesses have argued that further research is unlikely to be a good use of resources, they accept that existing estimates are unreliable and use the evidence that they do have to justify very different positions. The Government, the pet industry and private keepers associations tend to argue that the existing regulatory framework adequately protects the welfare of privately kept primates. Conversely, animal welfare organisations, animal sanctuaries and the veterinary profession tend to argue that a ban on the private keeping and trading of pet primates is the only acceptable solution.

87. Before key decisions are made about further regulatory change or the adoption of a ban on the keeping and trading of pet primates, additional research is needed to ensure that such decisions are based on sound evidence. In the meantime, we have recommended some more minor changes that the Government might wish to make and which should be possible without recourse to primary legislation.

## Conclusions and recommendations

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### A ban on keeping pet primates

1. A ban remains a possible way of addressing the welfare problems associated with primates being kept as pets. However, this is not a solution that should be adopted in the absence of reliable, compelling evidence or while there is still potential for improving the operation of the existing regulatory framework. Obtaining a more reliable evidence base must be the first task for Government. (Paragraph 12)

### The scope and scale of the problem

2. We have been struck by the wide range of estimates of the numbers of primates both kept and traded as pets in the UK, as well as the lack of confidence in these numbers expressed by many witnesses. (Paragraph 24)
3. *We recommend that Defra commission independent research on the number and type of primates being traded and kept as pets in the UK. To increase the reliability of this research, we recommend that private keepers be given six months to register their primates before research begins. This call for registration should be supported by a publicity campaign explaining the benefits of registration, or a sanction. The Government should inform us of the results of this research within six months of receiving them, along with its plans for securing the welfare of pet primates in light of these results.* (Paragraph 25)

### The regulatory framework

4. The Animal Welfare Act was welcomed by a cross section of organisations when it passed into law in 2006 and it remains popular today. We received little evidence to suggest that the Act itself needs further amendment. Where concerns were raised, they tended to focus on matters of interpretation and enforcement which we address in separate sections of this report. (Paragraph 33)
5. If the Primate Code is to be effective, then it must contain information that is both detailed and specific enough to enable private keepers to meet the welfare needs of their animals. Equally, the Code must be drafted with sufficient clarity to allow someone who has never owned a primate of a particular species to gain a reasonable understanding of how to comply with the law, and to allow a court to determine whether or not the Code has been complied with. (Paragraph 39)
6. *We recommend that the Government take the opportunity presented by its forthcoming review of the Primate Code to ensure that the Code is drafted in a clear and precise manner that makes it easy to enforce and comply with. We also recommend that species-specific appendices are added to the Primate Code. The Government should begin its review with immediate effect.* (Paragraph 40)
7. While the specific details involved in adequately caring for a primate vary according to setting, there is a strong case for ensuring that primates being held in any setting enjoy a similar standard of care. It is also important to ensure that adequate

protection is afforded to privately kept and traded primates at all stages in their lives. (Paragraph 44)

8. *We recommend that the Government adopt a “primate-centred” approach when it reviews the Primate Code. This should include raising the standards in the Code to a level equivalent to zoo standards and ensuring that the Code adequately covers all stages in the life of a privately kept primate, including breeding and transportation.* (Paragraph 45)
9. The Dangerous Wild Animals Act 1976 cannot be considered to be an effective mechanism for protecting the welfare of pet primates. Commonly kept primate species do not have to be licensed under the Act and the focus of the Act is on protecting people from animals rather than the other way around. If the results of the research exercise we recommend in Chapter 3 suggest that a more comprehensive licensing system for pet primates is justified, this could be achieved under the auspices of the DWAA or the Animal Welfare Act. However, the problems associated with pet licensing schemes in the past suggest that this should not be regarded as a panacea. (Paragraph 54)
10. The Pet Animals Act 1951 entered the statute books at a time when there was much less interest in keeping or breeding exotic animals as pets and before online sales of pet primates had been contemplated. A review of the Act would be beneficial to ensure that it remains relevant in the internet age. (Paragraph 61)
11. *We recommend that Defra review the Pet Animals Act 1951 to ensure that it remains relevant and effective in the internet age.* (Paragraph 62)
12. We received little evidence to suggest that changes to the CITES system are necessary to protect the welfare of privately kept primates in the UK. The evidence we received suggested that the domestic trade in pet primates represents a greater problem than international imports into the UK. (Paragraph 69)

### Application and enforcement

13. A regulatory framework will not achieve its objectives if levels of non-compliance are high, and evidence suggests that non-compliance with the framework governing the welfare of pet primates is too high. Reasons for this include low awareness of the rules and guidance amongst local authorities, keepers and members of the public, and limitations on the resources and expertise held by local authorities. Constraints on public funding make it unlikely that more resources will become available in the near future. (Paragraph 78)
14. *We recommend that Defra launch a public education campaign to raise awareness of the Dangerous Wild Animals Act 1976 and the Primate Code among local authorities, primate keepers and members of the public.* (Paragraph 79)
15. Guidance from central Government to local authorities on the provisions and implementation of the Dangerous Wild Animals Act 1976 is long overdue. As a result, opportunities have been lost to reduce wide variations in the application and

enforcement of the Act and to ensure that DWAA inspectors have sufficient expertise to carry out their role effectively. (Paragraph 83)

16. *We recommend that Defra issue its guidance to local authorities on the provisions and implementation of the Dangerous Wild Animals Act 1976 without further delay. This guidance should include advice to authorities on employing experts from the zoo-licensing inspectors list or those with diplomas in zoo and wildlife medicine.* (Paragraph 84)

# Formal Minutes

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**Tuesday 13 May 2014**

Members present:

Miss Anne McIntosh, in the Chair

Richard Drax  
Jim Fitzpatrick  
Sheryll Murray

Neil Parish  
Roger Williams

Draft Report (*Primates as Pets*) brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 87 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Eleventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned until Wednesday 11 June at 2.30 pm

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at [www.parliament.uk/efracom](http://www.parliament.uk/efracom).

### Wednesday 5 February 2014

*Question number*

Rachel Hevesi, Director, Wild Futures, Ros Clubb, Senior Scientific Officer, RSPCA and Mike Seton, Senior Veterinary Officer, City of London Corporation

[Q1-24](#)

Dr Alison Cronin, Director, Monkey World, Andrew Greenwood, British Veterinary Zoological Society and Dr Lisa Riley, Primatologist and independent consultant in animal welfare

[Q25-41](#)

Lord de Mauley, Parliamentary Under-Secretary, Department for Environment, Food and Rural Affairs

[Q42-80](#)



## Published written evidence

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The following written evidence was received and can be viewed on the Committee's inquiry web page at [www.parliament.uk/efracom](http://www.parliament.uk/efracom). PAP numbers are generated by the evidence processing system and so may not be complete.

- 1 Wetheriggs Animal Rescue & Conservation Centre ([PAP0002](#))
- 2 Animal Welfare Party (Formerly Animals Count) ([PAP0003](#))
- 3 William C. McGrew ([PAP0004](#))
- 4 Dr. Nedim C. Buyukmihci ([PAP0005](#))
- 5 Chris Moiser ([PAP0006](#))
- 6 Emergent Disease Foundation ([PAP0007](#))
- 7 Professor Phyllis C. Lee ([PAP0008](#))
- 8 Care For The Wild International ([PAP0009](#))
- 9 Wild Futures ([PAP0010](#))
- 10 Reptile and Exotic Pet Trade Association ([PAP0011](#))
- 11 Elizabeth Tyson ([PAP0012](#))
- 12 The Captive Animals' Protection Society ([PAP0013](#))
- 13 The British Veterinary Zoological Society ([PAP0014](#))
- 14 Born Free Foundation ([PAP0015](#))
- 15 Hannah M. Buchanan-Smith ([PAP0016](#))
- 16 European Alliance Of Rescue Centres And Sanctuaries (Ears) ([PAP0017](#))
- 17 Dr Kay H. Farmer ([PAP0018](#))
- 18 Global Federation Of Animal Sanctuaries (Gfas) ([PAP0019](#))
- 19 Name of evidence submitter withheld ([PAP0020](#))
- 20 Eurogroup For Animals ([PAP0021](#))
- 21 Neotropical Primate Conservation ([PAP0022](#))
- 22 Humane Society International/UK ([PAP0023](#))
- 23 Dr Lisa Riley ([PAP0024](#))
- 24 Stichting Aap, Sanctuary For Exotic Animals ([PAP0025](#))
- 25 Onekind ([PAP0026](#))
- 26 Defra ([PAP0027](#))
- 27 Animal Protection Agency ([PAP0028](#))
- 28 Name of submitter withheld ([PAP0030](#))
- 29 Monkey World ([PAP0031](#))
- 30 Ape Alliance ([PAP0032](#))
- 31 British Veterinary Association ([PAP0033](#))
- 32 Animal Defenders International ([PAP0034](#))
- 33 RSPCA ([PAP0036](#))
- 34 The Primate Society Of Great Britain ([PAP0037](#))
- 35 Ash Veterinary Surgery ([PAP0039](#))
- 36 Pet Industry Federation ([PAP0040](#))
- 37 Terry Manwaring ([PAP0041](#))
- 38 Douglas Richardson ([PAP0042](#))
- 39 International Primate Protection League ([PAP0043](#))

- 40 Paag Representative – Blue Cross ([PAP0044](#))
- 41 Animal Protection Agency ([PAP0045](#))
- 42 Wild Futures ([PAP0046](#))

# List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the Committee's website at [www.parliament.uk/efracom](http://www.parliament.uk/efracom)

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2013–14

First Report	Draft Dangerous Dogs (Amendment) Bill	HC 95 (HC 637)
Second Report	Vaccination against bovine TB	HC 258 (HC 705)
Third Report	Managing Flood Risk	HC 330 (HC 706)
Fourth Report	Wild Animals in Circuses	HC 553 (HC 746)
Fifth Report	Food Contamination	HC 141 (HC 707)
Sixth Report	Rural Communities	HC 602 (HC 764)
Seventh Report	CAP implementation 2014–2020	HC 745 (HC 1088)
Eighth Report	Appointment of Chairman of Natural England	HC 890
Ninth Report	Departmental Annual Report 2012–13	HC 741 (HC 1283)
Tenth Report	Tree health and plant biosecurity	HC 469

## Session 2012–13

First Report	Greening the Common Agricultural Policy	HC 170 (HC 654)
Second Report	The Water White Paper	HC 374 (HC 602)
Third Report	Pre-appointment hearing: Chair of the Water Services Regulation Authority (Ofwat)	HC 471-I & -II
Fourth Report	Natural Environment White Paper	HC 492 (HC 653)
Fifth Report	Desinewed Meat	HC 120 (Cm 8462)
Sixth Report	Draft Water Bill	HC 674 (Cm 8643)
Seventh Report	Dog Control and Welfare	HC 575 (HC 1092)
Eighth Report	Contamination of Beef Products	HC 946 (HC 1085)

## Session 2010–12

First Report	Future Flood and Water Management Legislation	HC 522 (HC 922)
Second Report	The Marine Policy Statement	HC 635
Third Report	Farming in the Uplands	HC 556 (HC 953)
Fourth Report	The draft National Policy statement (NPS) on Waste Water	HC 736
Fifth Report	The Common Agricultural Policy after 2013	HC 671 (HC 1356)
Sixth Report	Implementation of the Common Fisheries Policy: Domestic Fisheries Management	HC 858 (HC 1485)
Seventh Report	Pre-appointment hearing: Chair of Gangmasters Licensing Authority	HC 1400-I & -II

Eighth Report	EU proposals for the dairy sector and the future of the dairy industry	HC 952 ( HC 1548)
Ninth Report	The Welfare of Laying Hens Directive—Implications for the egg industry	HC 830 (HC 1664)
Tenth Report	The outcome of the independent Farming Regulation Task Force	HC 1266 (HC 1669)
Eleventh Report	The draft National Policy Statement for Hazardous Waste	HC 1465 (HC (Session 2012–13) 540)
Twelfth Report	EU proposals for reform of the Common Fisheries Policy	HC 1563-I & -II (HC (Session 2012–13) 108)
First Special Report	The National Forest: Government response to the Committee’s Fourth Report of Session 2009–10	HC 400
Second Special Report	Dairy Farmers of Britain: Government response to the Committee’s Fifth Report of Session 2009–10	HC 401