

UK Centre for Animal Law – Licensing of specialist private primate keepers in England – Public consultation response

A-LAW introduction

The Wildlife Working Group at the UK Centre for Animal Law (**ALAW**) welcomes the consultation on the issue of the private keeping of primates in England. As documented in previous responses and for the reasons set out therein, ALAW would prefer the prospective keeping of primates to be outlawed. In lieu of this, the next best alternative is a stringent licensing regime which means that only persons who pre-satisfy requirements to meet primate welfare, as decided by a suitable qualified independent body.

Our detailed responses to the Government's consultation are set out below highlighted in orange. That said ALAW wishes to highlight the following issues as critical points to ensure that the prospective licensing regime is properly enforceable to safeguard the welfare of kept primates:

1. **Kept Animals Bill (KAB):** Whilst it is a shame that the Government has decided to not to continue with the KAB, it is important that the issues for privately kept primates addressed in KAB are also properly dealt with in the proposed regulations. The proposed regulations also present an opportunity to resolve some of the issues presented by the provisions of the KAB;
2. **Enforcement and penalties:** The proposals set out in the consultation present a real risk that: (a) penalties for offences resulting in primate suffering face different levels of penalties irrespective of the level of suffering caused; and (b) offences in respect of breaching licence conditions or trading primates need to be strengthened to prevent people "pricing in" the offences and carrying on without proper deterrent;
3. **Licence period and inspections:** The proposals' suggestion to only have one inspection every three years for primates kept pursuant to licences is insufficient to ensure proper monitoring and enforcement of the proposed welfare standards. Inspections need to be much more common and brought in line with the zoo licencing regime;
4. **Local authorities:** The impact of the proposals is another burden on local authorities to enforce a fairly specialist regime. The Government must ensure that local authorities are: (a) adequately supported by primate veterinarians and welfare behaviourists; and (b) properly resourced and trained to manage the licencing regime; and
5. **Proposed welfare standards:** The proposed welfare standards are an improvement on the existing primate welfare code however key amendments are required to properly protect vulnerable primates kept in human care, including the revision of the euthanasia provisions to protect primates from being killed unjustifiably and promoting more humane management of issues arising from their keeping.

Government introduction

We [***the Department for Environment, Food and Rural Affairs on behalf of the Government “DEFRA”***] are launching this consultation to seek your views on the introduction of a specialist private primate keeper licensing regime in England, through regulations made under the Animal Welfare Act 2006 (AWA). A primate is any member of the biological order Primates; this includes all the species commonly referred to as lemurs, monkeys and apes. Primate also includes humans but for the purposes of this consultation we are only concerned about non-human primates.

In December 2020, We [DEFRA] launched a consultation on proposals to ban the keeping of primates as pets in England. This consultation sought views on the government’s proposal to introduce a prohibition on the keeping and breeding of primates in England. Exemptions were proposed for those holding a licence under the Zoo Licensing Act 1981, the Animals (Scientific Procedures) Act 1986 or a new specialist primate keeper licence. These 3 are referred to as “a relevant licence”.

We [DEFRA] sought views on the circumstances in which a specialist primate keeper licence would be required and the proposed licensing regime more generally.

In total, 4516 responses to the 2020 consultation were received. Over 98% of respondents expressed support for the introduction of a new prohibition on keeping primates privately in England without a relevant licence. This would also prohibit the breeding or acquisition of primates and their subsequent sale or transfer to persons not holding a relevant licence. The overwhelming majority of respondents also expressed support for a system of inspection for specialist private primate keeper licence holders. Existing keepers would be required to register their primates with their local authority in advance of the requirement to obtain a specialist private primate keeper licence.

After considering the evidence from the 2020 consultation, we [DEFRA] confirmed that it would ban the keeping, breeding, sale or transfer of primates other than to persons holding a relevant licence. These measures were originally intended to be introduced via the Animal Welfare (Kept Animals) Bill (KAB), which was first introduced to Parliament on 8 June 2021. On 25 May 2023 we [DEFRA] announced that, because of the risk of scope-creep that the Bill faced, we will be taking forward measures individually during the remainder of the Parliament.

In the case of the measures related to primates, the government now intends to deliver a specialist primate keeper licensing regime in England through regulations under the AWA. This will accelerate implementation because the provisions in the KAB did not include specific provisions on a number of matters, including the welfare standards that would need to be met under a specialist primate keeper licence, as the intention was to address these by way of secondary legislation under powers provided in the KAB. The purpose of this consultation is therefore to seek views on aspects of the proposed specialist private primate keeper licensing regime which were not covered by the previous consultation, and to seek views on the detailed primate-keeping welfare standards themselves.

The specialist private primate keeping welfare standards will not apply to primates which are kept by a person holding a zoo licence under the Zoo Licensing Act 1981 or a Home Office scientific procedures licence under the Animals (Scientific Procedures) Act 1986 (ASPA) because separate standards already exist for this. It will, however, apply to all primates which are currently being licensed under the Dangerous Wild Animals Act 1976 and/or the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. Anyone keeping a primate or proposing to keep a primate will need a specialist licence unless they have a zoo or ASPA licence. Where ‘specialist primate keeper’, ‘primate keepers’ or ‘primate keeping’ are referred to in this consultation document, the term does not include those keeping primates that are required to have a zoo licence under the Zoo Licensing Act 1981 or a Home Office scientific procedures licence under the Animals (Scientific Procedures) Act 1986.

The KAB provisions placed responsibility for the operation and enforcement of primate licences on Local Authorities. We intend that the proposed ‘specialist private primate keeper’ licence scheme under the AWA will also be operated and enforced by Local Authorities. We will be working with Local Authorities to determine how monitoring and enforcement will be carried out and we will provide funding for any net additional costs.

Animal welfare is a devolved issue, and this new primate licensing regime will apply to England only.

Government background

Existing laws relating to primate keeping in England

Animal Welfare Act 2006 (AWA)

As with any kept vertebrate animal, the welfare of primates is protected by the provisions of the AWA which makes it an offence under section 4, to cause any unnecessary suffering to a kept animal and an offence, under section 9, to fail to provide for a kept animal’s welfare needs. The maximum custodial sentence for an offence under section 4 is 5 years’ imprisonment, whilst the maximum custodial sentence for an offence under section 9 is 6 months’ imprisonment under section 32(5) of the 2006 Act.

An unlimited fine may be imposed for either offence (in addition to a custodial sentence or as alternative to a custodial sentence).

Code of Practice for the Welfare of Privately Kept Non-Human Primates

In addition, this statutory code of practice (the Code) provides keepers with information on how to meet the welfare needs of their primates, as required under the AWA. Whilst it is not an offence to breach the Code, any breach can be used as evidence in support of a prosecution brought under the AWA. Consequently, compliance with the Code can be used to defend a prosecution.

Zoo Licensing Act 1981

The 1981 Zoo Act covers any establishment keeping wild animals, including primates, and exhibiting them to the public for 7 days or more in a 12-month period. Local authorities are responsible for enforcing the zoo licensing scheme. Welfare standards under the 1981 Zoo Act are set out in the Secretary of State's Standards of Modern Zoo Practice.

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA)

The 2018 LAIA Regulations, made under the AWA, require a local authority licence to be obtained for anyone wishing to exhibit a primate or other animal in England outside of premises holding a zoo licence, as well as anyone in the business of selling pet animals, including primates. The 2018 LAIA Regulations also require any businesses based in England which place adverts for pet animals to include their LAIA licence number in the advert, including online adverts.

Dangerous Wild Animals Act 1976 (DWAA)

The DWAA regulates the keeping of certain non-domesticated species of animal that are considered dangerous. It is mainly concerned with protecting the public where private individuals keep dangerous wild animals but some of the measures do relate to animal welfare. Some, but not all, species of primates are listed under the DWAA. The full list of species covered is set out in the Schedule to the 1976 DWAA. Owners of animals listed in the DWAA must obtain a DWA licence from their local authority and must meet minimum safety and welfare standards.

Animals (Scientific Procedures) Act 1986 (ASPA)

The ASPA regulates the use of animals in experimental or scientific procedures in the United Kingdom. Under the ASPA anyone using protected animals, including primates, for scientific procedures, and anyone keeping or breeding protected animals with a view to their use for scientific procedures, is required to hold an ASPA licence granted by the Home Secretary.

Government consultation

#	Government consultation question	A-LAW Response
1.	Would you like your response to be confidential?	No
2.	Where do you live?	England

3.	What is your name?	Rob Espin, co-chair of the wildlife working group at the UK Centre for Animal Law (A-LAW)
4.	What is your email address?	Info@alaw.org.uk
5.	Are you responding as an individual or as an employee on behalf of an organisation?	Organisation
6.	Which of the following best describes you or your organisation?	Animal welfare group
7.	If answered 'organisation' to Q 6. How many employees are there in your organisation?	Under 10

Government proposed licensing regime under the AWA

As outlined above, the government intends to deliver the primate keeper licensing regime through regulations under section 13 of the AWA. The enabling power in the AWA regulations provide for the implementation of a regime which is comparable to the KAB measures but not identical in every way. Compared to the KAB provisions, the key differences of the regime to be introduced under section 13 of the AWA are: a maximum licence length of 3 years rather than 6 years, leading to a variation in the inspection regime; changes in the arrangements for existing unlicensed primates that are not eligible for the 'specialist private primate keeper's licence'; enforcement and penalties; local authorities will not be able to revoke a licence if a person sells a primate to an unlicensed person.

The KAB included a power to extend the primate licensing regime to other species. If a need to regulate the keeping of another species on welfare grounds is identified in the future, it may be possible to bring forward further AWA regulations in relation to other species which are similar to the proposed specialist licensing regime for primates.

Government licensing standards and other requirements

Primate keepers will be required to hold a licence to keep primates. Local Authorities (LAs) will issue specialist private primate keeper licences and will arrange inspections to determine whether such licences should be issued. These inspections will be charged for.

Under KAB, licences were expected to last 6 years and required a minimum of 2 inspections within the period of the licence. The AWA allows for a licence to be granted for a maximum of 3 years and we therefore propose that the minimum inspection frequency required for a licensed premises would be once every 3 years, instead of twice every 6 years under the previous KAB proposal. This is in line with other licensing regimes made under AWA such as the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA).

#	Government consultation question	A-LAW Response
8.	Do you consider that at least one inspection should take place every 3 years for a licensed premises?	Neither agree or disagree.
	Explanation (optional)?	<p>The limit of any licences granted pursuant to LAIA to 3 years from the previous proposals of 6 years under KAB is a welcome one as it means that specialist primate keepers will need to apply for licences to keep primates twice as often should they seek to keep primates privately for a longer period of time.</p> <p>This presents the licensing authority twice the opportunity to ensure that the applicant is meeting the welfare requirements set out in the legislation and the proposed welfare standards.</p> <p>Given that inspections by local authority staff accompanied (where required) by specialist veterinary professionals and primate behaviourists are crucial to ensure that the welfare of kept primates is being properly safeguarded, inspections should happen <i>at least</i> every three years and should actually occur much more frequently. Allowing licence holders to go three years without an inspection means that they may be failing below the robust proposed welfare standards, subjecting the primates in their care to suffering, for at least that long.</p> <p>Experts such as Elizabeth Tyson along with other animal welfare organisations have demonstrated the failings of inspection regimes where mandatory inspections do not happen frequently enough. Moreover if inspections are not carried out sufficiently often to ensure that the new proposed standards on welfare are being achieved, this completely undoes the progress achieved by the new, more robust standards.</p> <p>Furthermore it is noted that if inspections were carried out only every three years, this would be less frequently than required pursuant to the Zoo Licencing Act 1981 where inspections are carried out first to confirm that the requirements of the legislation can be met, then periodically during the first year of a newly granted licence and then no later than 6 months before the expiry of the relevant licence.</p> <p>It is therefore considered that inspections should happen at least as frequently as: (a) before the granting of a licence; (b) within the first 6 months of a newly granted/renewed licence; (c) at some</p>

		point during the second year of the licence; and (d) during the last 6 months of any licence prior to this either expiring or expiring.
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Government enforcement and penalties

Enforcement

We [DEFRA] propose that monitoring and enforcement of the new regime should be undertaken by Local Authorities, supported by someone suitably qualified to assess primate welfare and keeping conditions.

Whilst the local authority will be the body with overall responsibility to undertake monitoring and enforcement, we [DEFRA] note that primate keeping and assessment of their welfare and keeping conditions requires specialist skills and knowledge. The KAB required a vet to carry out an inspection for all licence applications.

We [DEFRA] would like to identify the best way to enable local authorities to be adequately supported by someone suitably qualified to assess primate welfare and keeping conditions.

#	Government consultation question	A-LAW Response
9.	Do you agree that local authorities should be supported by someone suitably qualified to assess primate welfare and keeping conditions?	Yes
10.	Who do you think is best placed to support local authorities in their inspections?	Both specialist veterinary surgeons and primate welfare specialists.
11.	If you agree that suitable support should be provided, how might this be identified?	<p>As per A-LAW's discussions with the Animal Welfare Consultancy (AWC) on the proposed welfare standards, the involvement of specialist veterinary surgeons and primate welfare specialists is crucial during both the licencing, inspection and monitoring of keeping primates.</p> <p>Both local authorities and licensees should therefore engage with specialist veterinary surgeons and primate welfare specialists to ensure that the proposed welfare standards are being properly complied with in every aspect. These specialists also offer expertise which may not be available to the</p>

		<p>majority of local authorities and should be encouraged to deliver training sessions to relevant personnel within local authorities who are involved in the licencing, inspection or enforcement process. Clause 5(1) KAB provided that a veterinary surgeon must be involved in the application process, however any regulations under LAIA must go further, as these professionals should have specialist qualifications and expertise applicable to the keeping of primates and at other stages in the governance process.</p> <p>Local authorities must also be properly resourced to engage such specialists as making them the responsible body for the governance of regulations introduced under LAIA creates a new time/cost demand. This could be accomplished through prospective and successful licence holders paying fees during the application and inspection process as provided for in clause 11 KAB.</p>
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Penalties

In order to ensure compliance and properly enforce the new regulations it will be necessary to have penalties that are effective and proportionate.

The penalties which were associated with this offence under KAB will now change in order to reflect the higher maximum penalties under AWA.

The penalty for the offence for not having a relevant specialist primate licence will be the penalty in AWA section 32(2). This would allow a maximum custodial sentence of 51 weeks or an unlimited fine. For all other offences in the regulations, our proposed maximum penalty would be an unlimited fine but not a custodial sentence, which is in line with the penalty available under the KAB. Whilst it will not be possible to provide for the issuing of Fixed Penalty Notices (FPNs) in the AWA regulations, it may be possible to introduce FPNs at a later stage under the Animals (Penalty Notices) Act 2022.

#	Government consultation question	A-LAW Response
12.	Do you feel that the propose penalties for breaching a licence are proportionate (Strongly agree- neither agree nor disagree-strongly disagree)?	Agree
13.	Do you have any additional comments to make, evidence to provide or alternative suggestions?	We welcome the strengthening of the penalty regarding the offence of not having the required licence as better reflecting the modern trend to strengthen the consequences of persons committing acts/omissions that lead to animal suffering.

		<p>Despite such strengthening, the proposed approach creates in reality of “tiers” of offences for acts which all result in suffering caused to primates by their keepers:</p> <p><i>Failing to keep primates in accordance with required standards</i></p> <p>Firstly, as this Consultation notes, a person who’s acts or omissions cause suffering to animals for which they are responsible may be liable to up to five years imprisonment on indictment (s.4 Animal Welfare Act 2006 and s.1(2) Animal Welfare (Sentencing) Act 2021) and this would cover primates in private captivity. Secondly these proposals mean that a person keeping primates without a licence would be liable to up to 12 months imprisonment. Thirdly the KAB at clause 12(1) made licence holders who failed to comply with the general conditions of the licence guilty of an offence, and (if this offence retained which we strongly suggest that it would be) the new proposed approach simply makes this subject to an unlimited fine. These conditions would include the proposed welfare standards.</p> <p>Where a person keeps primates without a licence, or fails to keep them in accordance with the licence conditions which stipulate welfare standards, undoubtedly the primates for which that persons care will be subject to unnecessary suffering. There are however three different levels of offences depending in <i>how</i> that suffering arose, not necessarily looking at the intent behind or the degree of the suffering.</p> <p>This is unnecessary, instead the regulations introduced by LIAI should specify that a failure to have a licence or to comply with the welfare standards will amount to an offence under section 4(1) AWA 2006. The AWA 2006 allows different penalties to be applied depending on the severity of the offence.</p> <p><i>Trade of primates</i></p> <p>The other main offence relating to primates created by KAB was the prohibition of selling primates to someone without a licence to keep those primates, pursuant to clause 17(1) KAB. The proposal to have such offences only subject to monetary penalties.</p>
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		<p>Making this offence only subject to financial consequences does not present satisfactory deterrence to those, especially organised crime groups), seeking to run the illegal commercial trade of primates. Whilst fines may be “unlimited” criminal penalties can frequently amount to smaller sums of money in contrast of the wider criminal enterprise and the risk of being caught and convicted can simply be “priced in” to the offences. Moreover the wrongly selling of parties indirectly leads to their suffering as they will then not be kept in accordance with the welfare standards attached to those licenced.</p> <p>In order to limit the unnecessary trade of primates, it should also be clarified in the regulations brought forward that people are licensed to hold specific numbers of certain breeds of primates (i.e. one keeper is licenced to keep three ring tailed lemurs). This would mean that a person could not buy/accept a licence from another unless they had first received permission from their local authority (supported by proper expertise from veterinary and behavioural specialists) in the form of an amendment to their existing licence to cover the proposed new primates. This would enable authorities to limit trade and check that keepers meet the required standards for holding increased numbers of primates.</p> <p><i>Other enforcement mechanisms</i></p> <p>Given the utility provided to enforcement bodies from the clauses in KAB regarding rectification notices for licence breach, revocation of licences, directions and forfeiture of primates we would strongly suggest these are all retained in the regulations. We also suggest that the sentencing council introduce new guidelines to: (a) address the new offences created by the regulations; and (b) properly revise the current guidelines for the AWA for cruelty offences concerning primates.</p>
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Government discussion of Record keeping

Full details of the record keeping requirements for licensees will form part of the licensing conditions to be laid out in secondary legislation. These details have not been consulted on previously. We [DEFRA] propose to require the licensee to keep an up-to-date register of all the animals kept under the licence. This must record, for each primate:

- I. Name, identification details (for example colour, markings, microchip number), species, sex, date of birth.
- II. Date of acquisition and source, with full address details (unless born on site).
- III. Date of rehoming and full details (name and address) of the keeper and location primate was moved to (if different), including details of the licence held by the new keeper (where relevant).
- IV. Date of death (where relevant).

#	Government consultation question	A-LAW Response
14.	Are there any additional records which should be kept in addition to those listed above and those in the draft standards?	We suggest that a publicly available central data base of: (a) licences granted to those specialist primate keepers under the regulations; (b) records of inspections and findings; and (c) required records from licenced keepers. Aside from this Consultation's proposals along with the requirements on the draft standards (as amended pursuant to discussion with stakeholders) are appropriate.
15.	We propose that these records must be kept for 4 years after the animal leaves the premises, is a 4 year record keeping requirement too long, just right or too short.	Too short, should be 6 years from the date on which the animal passes away (or leaves the premises) is consistent with zoo licencing regime and better reflects two whole licencing period back-to-back.
16.	As part of the identification details, should microchip identification be required, recommended or not included?	<p>Microchip identification should be required for each primate held pursuant to a licence. As per our discussion with the AWC working through the proposed welfare standards, we are happy to see this is a requirement under paragraph 2 of these proposed standards.</p> <p>Microchipping is already mandatory at law for other kept animals (c.f. The Microchipping of Dogs (England) Regulations 2015) and there is no reason why this should not apply also to primates given the benefits from microchipping which poses no risk to the animal's welfare. It was also proposed as possible under KAB clause 3(3).</p>

Government discussion of future arrangements for keepers

Arrangements will need to be made for those who do not hold a specialist private keeper licence when the new licensing regime comes into force. It is proposed that where any primate is being kept other than under an ASPA or ZLA licence and where a new specialist private keeper licence has not been obtained, the keeper should be required to inform the relevant local authority. This would not be necessary in cases where the keeper has already informed

the local authority by applying, unsuccessfully, for a licence. The local authority may also become aware, for example via a third party, that a primate is being kept and local authority records show that the primate's keeper does not hold the relevant licence.

In all instances where the local authority is aware that a primate is being kept by a keeper who does not possess a licence, the primate must have an initial local authority visit. This visit must be supported by someone suitably qualified to assess primate welfare and keeping conditions, to determine the appropriate course of action for that individual primate.

Some primates may be found to be living in conditions which meet their basic welfare needs but which fall short of the new standards. Others may be in conditions where their basic needs could be met if changes required by a local authority improvement notice (issued under the AWA) are made. We suggest that, given the absence of other alternatives, these primates may continue to stay where they are for the rest of their lives or until they can be rehomed, subject to an annual vet visit. Any associated local authority improvement notice must be complied with where issued. As their keepers would not be licensed at this point, they would be subject to the general prohibition from keeping further primates as well as subject to the penalties for holding a primate without a licence.

Where a primate is experiencing suffering and cruelty in ways which cannot be rectified with an improvement notice, or if such a notice was not complied with, the primate would need to be removed and all efforts should then be made to rehome the primate. Existing penalties under the AWA could apply where basic welfare needs are not being met, or where cruelty or suffering are found.

#	Government consultation question	A-LAW Response
17.	Do you agree or disagree that the penalties under AWA are suitable to enforce compliance with the licensing scheme and standards? Strongly agree - neither agree nor disagree - strongly disagree	Agree.
	Explanation (optional)?	With amendments to approach discussed above in the enforcement and penalties section this is appropriate in the circumstances given the real limitations faced by local authorities and sanctuaries being actually able to rehome such primates kept without licence. This should <i>only</i> be a "grandfathering" regime however applying to primates kept by persons before the regulations enter into force.

Government standards for privately kept primates

To qualify for a licence, private keepers will need to demonstrate that they are able to meet standards on the care and management of primates that ensure that the welfare needs of their primates are met. The current Primate Code of Practice is now over 11 years old and does not contain detailed guidance for particular taxa or species-specific needs. The government considers that licensed keepers of primates should be required to meet standards that are equivalent to the welfare standards that zoos should meet under their zoo licences in relation to the keeping of primates.

The standards we aim to incorporate into the new primate licensing scheme are intended to address the complex welfare needs of captive primates, ensure that keepers have a clear understanding of what is expected of them, and give Local Authorities an unambiguous platform from which they can implement the legislation, support compliance with the standards, and – where necessary – hold keepers to account if they are failing to reach the required welfare standards. We intend to develop separate guidance for local authorities to aid consistency when implementing this licensing scheme.

The following questions relate to the standards. Draft standards are attached to this consultation as Annex A. We welcome comments and views on any considerations we need to bear in mind when finalising the proposed standards.

#	Government consultation question	A-LAW Response
18.	Do you agree that standards should be set for the following aspects of managing privately kept primates? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)?	As we have discussed with the AWC, the standards represent a significant improvement on the current code of practice for privately kept primates. With the amendments we and other animal welfare and veterinary organisations have discussed with the AWC, the standards represent the best way available to ensure the welfare of privately kept species.

Nutrition

#	Government consultation question	A-LAW Response
19.	Do you agree or disagree that the standards ensure that specialist keepers provide captive primates	Strongly agree

	with a diet that meets their physical and psychological needs? Strongly agree - neither agree nor disagree - strongly disagree	
	Explanation (optional)?	The proposed welfare standards are significantly more comprehensive and detailed than current code of practice.
20.	Do you agree or disagree that the standards provide sufficient opportunities to promote species-specific feeding related behaviours (for example, foraging or gum gouging)? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)?	The proposed welfare standards are significantly more comprehensive and detailed than current code of practice.
21.	Are additional species-specific requirements needed and if so, for which species?	The proposed welfare standards requirements for specific species requirements should be implemented.

Environment

#	Government consultation question	A-LAW Response
22.	Do you agree or disagree that minimum enclosure dimensions should be included within the standards?	Strongly agree

	Strongly agree - neither agree nor disagree - strongly disagree	
	Explanation (optional)?	As discussed within the proposed welfare standards, the dimensions and space afforded to primates is crucial for all aspects of their welfare. It is noted that the proposed minimum dimensions are significantly more comprehensive and detailed than current code of practice and better than the corresponding zoo standards.
23.	Do agree or disagree that the proposed dimensions provide sufficient space for each species of privately kept primates? Strongly agree - neither agree nor disagree - strongly disagree	Agree
	Explanation (optional)?	As above, it is noted that the proposed minimum dimensions are significantly more comprehensive and detailed than current code of practice and larger than the corresponding zoo standards.
24.	Do you agree or disagree that the standards on enclosure furniture, plants, substrates and climbing structures will help to encourage natural behaviours (for example, swinging, leaping, and climbing) in kept primates? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)	Yes, subject to proposed addition discussed with AWC that the proposed welfare standards should mention that natural plantings should be available inside also below.
25.	Do you agree or disagree that the proposed standards ensure that kept primates will have appropriate access to nest boxes, resting sites	Strongly agree

	and platforms to support essential behaviours? Strongly agree - neither agree nor disagree - strongly disagree	
	Explanation (optional)	The proposed welfare standards are significantly more comprehensive and detailed than current code of practice.
26.	Do you agree or disagree with the temperature requirements in the proposed standards? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)	Yes, subject to proposed additions into the proposed welfare standards as discussed with AWC that swings in temperature within a day itself and available at any given time.
27.	Do you agree or disagree that the temperature requirements meet the species-specific variations? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)	Nothing further to add
28.	Do you agree or disagree that the proposed standards ensure that specialist keepers provide primates with appropriate lighting within their enclosure to best promote optimal welfare? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)	Yes, subject to proposed additions to the proposed welfare standards as discussed with AWC that: (a) Lighting systems should be automatic with overrides so kick in automatically if levels are too

		bright/insufficiently light for extended periods of time; and (b) Prescribe permitted reasons as to why lights may need to be left on overnight, for observation for example, then the proposed standards are a significant improvement on the current welfare code.
29.	Do you agree or disagree that the needs of nocturnal species are adequately met? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)	Nothing further to add
30.	Do you agree or disagree that the standards will ensure specialist keepers maintain a hygienic and safe environment for captive primates? Strongly agree - neither agree nor disagree – strongly disagree	Strongly agree
	Explanation (optional)	Yes, subject to proposed additions discussed with the AWC that a minimum inspection period be required for faults/damage to the enclosures, the proposed welfare standards are significantly more comprehensive and detailed than current code of practice.

Veterinary

#	Government consultation question	A-LAW Response
31.	Do you agree or disagree that specialist keepers must be registered and obtain oversight from a specialist veterinarian? Strongly agree-neither agree nor disagree - strongly disagree	Strongly agree

	Explanation (optional)?	This is a crucial part of ensuring that the necessary experienced oversight is present for all the monitoring and reporting parts of the proposed welfare standards.
32.	<p>Do you agree or disagree that the proposed standards address the primary health concerns that face captive primates?</p> <p>Strongly agree - neither agree nor disagree - strongly disagree</p>	Agree.
	Explanation (optional)?	<p>Agreed that health concerns are covered sufficiently subject to below amendments to the proposed welfare standards:</p> <p>229-230: have the involvement of suitably qualified veterinarian countersigned by them.</p> <p>Obligation to report any injury to assigned veterinarian, including dental problems under standard 236, should be revised to add any injury whatsoever as some things which may not cause concern could be serious.</p> <p>The standard on Euthanasia should be reviewed as follows:</p> <p><i>“272. Euthanasia must only be authorised and performed by a veterinarian, except for the humane destruction of escaped animals when such individuals pose an immediate significant safety threat to humans or other animals which cannot be otherwise resolved through non-fatal methods. The humane killing of an animal is only considered justifiable under a number of circumstances;</i></p> <p><i>a) if, in the opinion of the veterinary surgeon, an animal is suffering from an incurable disease or injury causing severe pain or suffering which cannot be alleviated</i></p> <p><i>b) if, in the opinion of an assigned veterinary or animal behaviour professional the animal poses a serious and unavoidable threat to human or animal safety.”</i></p> <p>Deletion of references for killing of animals where standards cannot be met. This effectively</p>

		punishes the primate specimens for failures of human handlers when alternative solutions such as rehoming or temporary translocation whilst breach in standards are remedied should be pursued. Also reference to killing of escaped individuals is already covered in the first paragraph above and should be limited to posing a significant safety threat to humans or other animals which cannot be non-fatally resolved.
33.	Are any health concerns not covered sufficiently? Please give full details	Nothing further.

Behaviour

#	Government consultation question	A-LAW Response
34.	Do you agree or disagree that the standards demonstrate the importance of positive and normal behaviours? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)?	Yes, subject to the additions to the proposed welfare standards below, this is significantly more comprehensive and detailed than current code of practice. 278 - if normal behaviours would cause risks to other animals, primates should not be housed with such other animals.
35.	Do you agree or disagree that the standards address the importance of identifying and addressing negative behaviours?	Strongly agree

	Strongly agree - neither agree nor disagree - strongly disagree.	
	Explanation (optional)?	Yes the standards are significantly more comprehensive and detailed than current code of practice.
36.	<p>Do you agree or disagree that the standards meet the requirements for the social needs of captive primates, including solitary species?</p> <p>Strongly agree -neither agree nor disagree - strongly disagree.</p>	Strongly agree
	Explanation (optional)?	Yes, the proposed welfare standards are significantly more comprehensive and detailed than current code of practice.
37.	<p>Do you agree or disagree that the standards demonstrate the important role of enrichment, as well as the need for enrichment to be species-specific and to be monitored and changed regularly?</p> <p>Strongly agree - neither agree nor disagree - strongly disagree.</p>	Strongly agree
	Explanation (optional)?	<p>Yes, subject to the additions to the proposed welfare standards below, this is significantly more comprehensive and detailed than current code of practice.</p> <p>323. Enrichment plan must be prepared in consultation with and approved by a suitably qualified specialist veterinary professional.</p>

Breeding

#	Government consultation question	A-LAW Response
38.	Do you agree or disagree that hand rearing by private keepers should only be permitted under exceptional circumstances? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)?	The reasons set out in the proposed welfare standards at 358 explain the requirement.
39.	Do you agree or disagree that the proposed standards highlight the importance of natural breeding, birthing and rearing to allow infants to learn essential species-specific behaviours ? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)?	Yes, the proposed welfare standards are significantly more comprehensive and detailed than current code of practice.

Handling and restraint

#	Government consultation question	A-LAW Response
40.	Do you agree or disagree that that the proposed handling and restraint	Strongly agree

	standards adequately protect the welfare of kept primates? Strongly agree - neither agree nor disagree - strongly disagree	
	Explanation (optional)?	Yes, subject to the additions to the proposed welfare standards below, this is significantly more comprehensive and detailed than current code of practice. 372. Wherever possible primates must only be handled in the presence of a suitably qualified specialist veterinary professional, unless not possible due to immediate threat to health of an animal or person.

Transportation

#	Government consultation question	A-LAW Response
41.	Do you agree or disagree that that the proposed transportation standards adequately protect the welfare of kept primates? Strongly agree - neither agree nor disagree - strongly disagree	Strongly agree
	Explanation (optional)?	Yes, the proposed welfare standards are significantly more comprehensive and detailed than current code of practice given such current code does not address transportation. We also appreciate that there are wider issues presented by transportation of wild animals which the proposed welfare standards cannot reasonably be expected to resolve.

Government discussion of feedback on the standards as a whole

We would like to hear your views on whether there could be any unintended consequences of any aspect of the proposed primate licensing regime, including the standards for privately kept primates as part of this consultation.

#	Government consultation question	A-LAW Response
42.	Do you have any additional comments on any potential unintended consequences that could arise as a result of the proposed Statutory Instrument and Standards?	Strongly agree
	Explanation (optional)?	<p>Whilst some improvement on the current position, a licensing regime to legitimise the limited keeping of primates being kept in private captivity is likely to encounter the following issues:</p> <ol style="list-style-type: none"> Enforcement agencies: As several pieces of legislation will make up the “regime” on the welfare of privately kept primates (i.e. the proposed standards and regulations, AWA etc) being upheld by various different enforcement authorities (e.g. local authorities, the RSPCA, APHA, border authorities) a joined up proactive approach is required between authorities. This raises issues of increased time and cost expense in coordinating activities. <p>Where local authorities are responsible in enforcing licensing activities, it is uncertain whether each team holds the requisite expertise. An example of this is that freedom of information requests from Wild Futures asked local authorities if <i>“in order to be granted DWWA licenses [as required for the current regime] for primates, must applicants demonstrate that they meet the conditions laid out in the Code?”</i>, 210 local authorities said yes, 64 said no and 70 said they didn’t know. Further whilst local authorities should involve qualified veterinarians in some parts of the licensing process, it’s uncertain how often this is done in practice.</p> <p>Such issues are compounded by the lack of a statutory requirement for local authorities to enforce animal welfare legislation.</p> Reliance on welfare charities: The 2019 DEFRA Consultation Summary (on primates being kept in private captivity) admits that welfare charities such as Monkey World and Wild Futures have rescued hundreds of primates over previous of years, and the need for their rescue efforts exceeds their capacity. It will be difficult for the proposed welfare standards to be consistently be up held where welfare charities are required to rescue hundreds of primates from abuse.

		<p>3. Breeding and trade of primates: Notwithstanding the proposed welfare standards, the 2019 DEFRA Consultation Summary (on primates being kept in private captivity) sets out that evidence was received that primates were sold online and that there are <i>“welfare concerns about primates sold online included lack of information on how to care for primates;and the use of inappropriate terms in adverts such as ‘toilet trained’, ‘tame’ and ‘bottle fed’”</i>.</p> <p>This combined with evidence highlighting trade of primates taking place via closed forums or private channels suggests that licensing requirements set out by AWLR fail to maintain welfare standards for other commercial activities involving welfare [<i>estimate from hobbyists and the pet trade cited in Greenwood, A.G., Cusdin, P.A. (2001) – Effectiveness study of the dangerous Wild Animals Act 1976. Department for Environment Food and Rural Affairs</i>]. The 2019 DEFRA Consultation Summary (on primates being kept in private captivity) notes evidence suggesting that persons who breed or otherwise sell primates as a <i>“side or small-scale business”</i> would not necessarily be considered to be some to caught by the AWLR regulations, representing a lacuna through which many primates may slip through in losing their protections.</p>
43.	Do you have any additional comments to make about the proposed Statutory Instrument and Standards?	Nothing further to add.