

The Animal Welfare (Primate Licences) (England) Regulations 2023

Background to the Bill:

- In 2019, the government made it a **manifesto commitment** to **ban** keeping primates as pets.
- Primates have complex welfare and social needs which are often difficult to meet in a domestic environment.
 - Owners are commonly uninformed, and primates are kept in unsuitable conditions.
- There is an unknown quantity of primates kept as pets in the UK:
 - Government estimates between 1,000-5,000 primates are kept in the UK, with the majority being housed by private keepers.
 - This limits enforcement action by local authorities.
 - Licencing will allow a more accurate representation of the number of primates kept as pets in the UK, and enforcement of minimum welfare standards required to keep them.
- Government consultations:
 - 2020 – 98.7% of 4,516 respondents supported a ban on keeping, breeding, acquiring, gifting, selling primates apart from a person with a licence to keep primates at zoo-level standards.
 - The government confirmed it would ban the keeping of primates without a relevant licence (zookeeper, ‘specialist primate keepers’, licence under the local authority), to be legislated via the Animal Welfare (Kept Animals) Bill.
 - 2023 - 97% of 642 respondents welcomed licencing and increased standards for keeping primates being introduced.
- DEFRA published a code of practice in 2010 of guidelines for the welfare of privately owned primates – it is non-statutory but has been used in prosecutions under the Animal Welfare Act 2006.
- Some primates, must be licenced under the Dangerous Wild Animals Act 1976:
 - There is evidence of poor compliance with this licencing – The Monkey Sanctuary reports 82% of UK owners whose pets were rehomed did not own the correct licence.

The Bill in Brief:

- Introduces a **licence requirement** under **Section 13 of the Animal Welfare Act 2006** to promote the welfare of primates kept in England, where **not** kept under a zoo licence (Zoo Licencing Act 1981) or a Home Office scientific procedures licence (Animals in Scientific Procedures Act 1986).
 - Keepers will apply to the local authority for a ‘specialist primate licence’.
 - Licences will only be granted after a satisfactory assessment of the premises by the local authority.
- Sets out minimum welfare standards for primates → allows monitoring and **enforcement** by the **local authority**.
 - Aims to align the welfare standards of keeping of primates in private premises to that by licenced zoos.
- The **licence** regulation will come into force on the **6th April 2026**.
 - Existing keepers have 2 years from the approval of the regulation to comply with the licence conditions.
- The **minimum standards** will come into force **6th April 2025**.
- Regulations extend to England and Wales, but only **apply to England**.
- The bill includes:

- A licencing requirement (deadline 6th April 2026) and mandatory microchipping (deadline 5th April 2027):

Schedule 1

3. Each primate must be implanted with a microchip that – ...

4. Subject to paragraph 5, the licence holder must ensure that each primate is implanted with a microchip that complies with paragraph 3 before the end of the period of two years beginning with –
a) where the primate was born on the licenced premises or other premises if the licence holder, the day on which the primate was born;
b) in any other case, the day on which the licence holder first took possession of the primate.

5. In the case of a primate kept by the licence holder between the 6th April 2025, the licence holder must ensure that the primate is implanted with a microchip that complies with paragraph 3 on or before 5th April 2027.

- The licence requires a microchip, so therefore microchipping needs to be implemented for a licence to be granted → why is then deadline for microchip later than deadline for licencing? [have I interpreted this wrong?]
- Protocol for death of a keeper, emergency scenarios and written procedures for special circumstances (temporary isolation of primate, death or escape, care of the primate if the licence is revoked or the primate keeper dies).
- **All primates must be licenced with a registered veterinary surgeon.**
- Inspections:
 - Assess record keeping, provision of emergency arrangements, nutrition and feeding, enclosure design, physical health and mental wellbeing, environment and enrichment, handling and restraint, transport, and breeding.
 - Standards for these are laid out under Schedule 1 of the regulation.
 - Local authorities must inspect a holding at least once in the licence period (every 3 years) unless the licence was granted for under a year.
- Enforcement:
 - It is an offence to fail to comply with licence conditions, or not have a licence before 6th April 2026.
 - Enforcement by local authorities to serve rectification notices (**up to 2-year window** for steps to be taken) and to revoke licences.
- Fees:
 - 13. Any local authority may –
 - a) charge a fee in respect of any application relating to primate licence
 - b) charge a fee in respect of any inspection which it must or may arrange
 - Ministers' response (Committee Stage, House of Commons):
 - It is up to local authorities to set a licence fee to ensure they're not out of pocket from fulfilling the licence.

Comparison to the Kept Animals Bill (KAB):

	AW(PL)ER 2023	KAB 2022
Licence length	3 years	6 years
Inspectors	'Suitable person'	Veterinarian
Licence Renewal	<p>Extension must be 3 years, or under if a special request is made by the keeper.</p> <p>The period within the licence when a further renewal is needed is determined by the local authority.</p>	<p>Extension renews for a further 6 years.</p> <p>Renewal needs to be within the first 6 months of the final year the licence is valid for.</p>
There can be an indefinite renewal of primate licencing		
Breeding	<p>Allows for breeding '<i>under the supervision of the named veterinarian in accordance with a breeding health and management plan provided by the veterinarian.</i>'</p>	<p>Makes it an offence to breed from primates without relevant authorisation i.e., under a separate licence to the below part, as part as Zoo Licencing Act 1981 or Section 2C Animals (Scientific Procedures) Act 1986.</p> <p>18 Breeding Primates</p> <p>1) A person commits an offence if the person-</p> <p>a) Takes steps for the purpose of securing that a primate which is kept by that person without relevant authorisation breeds with another primate or,</p> <p>b) Keeps two or more primates without relevant authorisation where –</p> <p>i) The primates are not neutered, and</p> <p>ii) The primates are kept in conditions or circumstances where they can breed</p>
Transition Period	<p>No transition period/Grandfather clause – keepers have 2 years to comply with the regulation (6th April 2026)</p>	<p>Transition period – 1 year to comply:</p> <p>Allows registration of primates (requirements include ensuring basic welfare needs, registration with a veterinary practice, receipt of a health check from a veterinarian and microchipping) when primates are kept by a person immediately before the date the regulation will come into force.</p> <p>Suspension period (semi-grandfather clause) – indefinite?</p> <p>Allows a primate to be kept without a licence if its basic welfare needs are met, it is registered and annually checked by a veterinarian – the reports of</p>

		which are sent to the local authority. Sets standards for keeping primates, so is essentially like having a licence.
Penalties	Align with the Animal Welfare Act 2006; <i>liable on summary conviction to imprisonment for a term of up to 6 months, an unlimited fine, or both.</i>	Offenders are <i>'liable on summary conviction to a fine not exceeding level 4 on the standard scale'</i> (maximum fine £2,500) or serve a fixed penalty notice which may not exceed £5,000.
Area of Application	England	England and Wales

Concerns with the Regulation:

- Lack of 'Grandfather Clause':
 - There is currently no protection of primates whose keepers will not be able to comply with the licencing conditions.
 - Raises concerns of rescue centres/sanctuaries, many of which are already at maximum capacity, if more primates are needing rehoming after the regulation comes out.
 - Results in poorer welfare, increased pressure on local authorities to grant licences to primates kept in poor conditions, increased risk of primate abandonment and the illegal keeping of primates.
 - A grandfather clause (where previous legislation remains for current keepers) will enable those who currently own primates to keep them until the end of their natural life, outside of the new regulations.
 - Defra's Proposals from 2020 Consultation:
 - *'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.'*
 - **Ministers' response** (Committee Stage House of Commons):
 - The 2-year implementation period is long enough for keepers to provide the necessary standards for primate keeping.
- Guidance on *'any other person who, in the view of the local authority, is suitably qualified and competent to carry out the inspection'*:
 - Needs a clear and specific definition of what quantified 'suitably qualified' with an inclusion of specific qualifications if relevant.
- Breeding and Contraception:
 - There is concern that enabling breeding could incentivise and perpetuate private primate keeping.
 - Animal welfare charities call for changes to the regulation so that breeding is only be permitted if serving a clear, demonstrable, and required conservation purpose.
 - Provision of contraception – *'all non-breeding primates must be given contraception under supervision of a named veterinary surgeon'*:
 - Contraception currently used in primates is based off the assumption that birth control approved for human use should be safe and effective in non-human primates.
 - Currently there is limited non-surgical provision of male contraception – none licenced in humans. There are a few drugs in development i.e. Triptonide that have been tested on non-human primates, but none currently available widespread use.
- Exhibition activities:

- There are concerns that the regulation permits private keepers exhibiting their primates under the Animal Welfare (Licencing of Activities Involving Animals) (England) Regulations 2018 in conditions in which primates are required to be kept under the proposed licencing system will be almost impossible to replicate at an event.
- There is no provision in the regulation for inspection of conditions in which animals are kept and exhibited at events, which is a potential animal welfare and possible public safety issue.
- Statutory Guidance:
 - The licencing conditions in the regulations **do not** meet the government commitment to require all primate keepers to keep their primates to a 'zoo-level standard'.
 - Accompanying guidance (as recommended by animal welfare charities) should include:
 - Inspection regime and frequency of inspections – should match those required under the Zoo Licencing Act 1981.
 - Clear responsibilities of licence requirements, for example:

Part 1 – Primate Licences: Operation

Applications

6. 1) *An individual who keeps or is proposing to keep a primate at any premises in England may apply for a primate licence to the local authority...*

- The Explanatory Note states, *'A person who keeps a primate in England without a primate licence (where required) will be committing an offence...'*
 - Microchipping derogations if an animal is unsuitable for microchip placement.
 - Record keeping:
 - The regulation makes it a requirement to retain records for at least 6 years, this is often shorter than the life of the animal.
 - Arrangements for temporary change in responsibility i.e. in circumstance of owner illness.
 - Specification that domestic animals and unauthorised people should be deterred from entry into a primate enclosure (Schedule 1, Paragraph 26 (d)).
 - Addition of temperature requirements and water provision during transport (Schedule 1, Paragraph 43).

References

<https://www.legislation.gov.uk/ukdsi/2023/9780348255423>

[https://hansard.parliament.uk/Commons/2024-01-31/debates/2007cca7-33fc-42e3-81d8-26b4a7dadcca/DraftAnimalWelfare\(PrimateLicences\)\(England\)Regulations2023](https://hansard.parliament.uk/Commons/2024-01-31/debates/2007cca7-33fc-42e3-81d8-26b4a7dadcca/DraftAnimalWelfare(PrimateLicences)(England)Regulations2023)

<https://lordslibrary.parliament.uk/new-licensing-for-pet-primates/>

<https://www.gov.uk/government/news/government-delivers-on-promise-to-ban-keeping-of-primates>

<https://www.gov.uk/government/consultations/primates-as-pets-in-england/outcome/summary-of-responses-and-government-response>

Briefs provided by the RSPCA and Born Free Foundation

<https://www.nature.com/articles/s41467-021-21517-5>

<https://core.ac.uk/download/pdf/188058954.pdf>