

PRIMATES AS PETS: Is there a case for regulation?

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1. Executive summary

- This information resource is intended for parliamentarians, civil servants and non-governmental organisations concerned by the keeping of primates as pets and who are anxious to deliver a workable system for the protection of primates under the Animal Welfare Act (AWA) 2006. (Section 2).
- Extensive scientific study has revealed primates to be highly intelligent, socially complex and in some cases self-aware animals. It is highly likely primates have an awareness of pain, suffering and distress, and at least in some species, an ability to think and reflect on these, similar in nature to humans. (Section 3).
- Under current legislation, primates, along with other vertebrates, are protected by the Animal Welfare Act (AWA) 2006. Some species (but notably not those most commonly kept) require a licence to be kept as pets under the Dangerous Wild Animals Act (DWAA) 1976. International trade is controlled by the Convention on International Trade in Endangered Species (CITES). (Section 4).
- We estimate that 2,485-7,454 primates are kept as pets in the England, Wales and Scotland, but others suggest it might be as high as 15,000-20,000. Lemurs are the most commonly kept species requiring a DWAA licence, followed by capuchins and macaques. Almost half of pet primate incidents recorded by the RSPCA concerned marmosets, which carry no licensing requirement under the DWAA, suggesting these are the most commonly kept species; a finding supported by primate dealers. (Section 5).
- Trade appears to normally occur in private, making monitoring difficult. Breeders and private dealers are believed to be the main source of pet primates. (Section 6).
- The RSPCA dealt with 315 confirmed pet primate incidents, involving 645 animals between 2001 and 2010. Welfare issues were identified in 90% of incidents, and proceedings were started in six cases leading to two successful prosecutions (plus one pending). These numbers might not appear significant, but relative to the number of primates kept, incidents reported to the RSPCA are four to twelve times more frequent for primates than for other, more common, companion animal species. (Section 7).
- Solitary housing, early separation from the mother and inappropriate housing are just some of the husbandry practices likely to cause welfare problems in pet primates. For example, over 60% of pet primate incidents recorded by the RSPCA involved an animal kept on its own. (Section 8).
- Every animal in the Monkey Sanctuary arrived suffering from behaviour problems like repetitive stereotypic behaviours and self-biting. Health problems are common and include dental problems, a range of skeletal malformations and obesity. Studies have shown nutrition-related bone disease is common, as are other general nutrition disorders. (Section 9).
- The story of two capuchins, Joey and Missey, perhaps best illustrate some of the welfare problems experienced by pet primates as a result of inadequate care. Both suffered from a host of behavioural and physical problems when they arrived at the Monkey Sanctuary. Joey will be permanently disabled as a result and Missey has died. (Section 9.3).
- Calls to the RSPCA from members of the public about pet primates largely concerned legality and licensing issues (85%). Over a quarter of callers (27%) expressed concern about the welfare of pet primates and a further quarter (26%) requested advice on how to obtain or care for pet primates. (Section 10).
- Public support for a restriction on the keeping and trade in pet primates is strong. Petitions have gathered tens of thousands of signatures in the UK. (Section 10).
- Over 360 highly regarded primatologists, conservationists, zoo professionals, primate rescue organisations and other respected professionals support our call for a restriction on primate keeping to genuine specialists. The Primate Society of Great Britain (PSGB), the International Primatological Society (IPS) and the Jane Goodall Institute-UK have also given their support. (Section 11).
- Other professional organisations, including zoos, have already formulated policies against private pet keeping. (Section 11.2).
- A number of legislatures around the world have banned, restricted or regulated the private keeping of pet primates, including Denmark, Bulgaria, Sweden, Belgium, the Netherlands, Switzerland, Canada, the US, Australia, Israel, Mexico and Honduras. (Section 12).
- A range of regulatory options is available to tackle the issue of pet primates in the UK. After weighing up the pros and cons of each option, we feel there should be a legal restriction on who is permitted to keep primates, such that only primates kept for the purposes of conservation or sanctuary are permitted. This should be supported by a code of practice that promotes a high level of care, coupled with a licensing or registration scheme. (Section 13).

2. Introduction

This information resource is intended for parliamentarians, civil servants and non-governmental organisations concerned by the keeping of primates as pets¹ and who are anxious to deliver a workable system for the protection of primates under the Animal Welfare Act (AWA) 2006.

In this document, we firstly outline why primates have particular physical, social, emotional and physiological characteristics that determine a need for special consideration and protection, and how that need was recognised by parliament.

Existing legislation affecting primates kept as pets in the UK is highlighted, and attention drawn to the inadequacies of the current system as a whole.

We describe what we know about the means by which primates are acquired, and estimate the number of primates, and the most common species, currently kept as pets in Wales, Scotland and England.

Given the special requirements of primates we predict that welfare problems will occur and test that prediction using RSPCA data on welfare-based enquiries, complaints and seizures, descriptions of welfare problems from the Wild Futures (formerly the Monkey Sanctuary Trust), and peer-reviewed scientific literature.

The nature of the public's concerns about pet primates is discussed briefly, drawing on enquiries received by the RSPCA and support for petitions against the keeping and trade in pet primates.

Scientists specialising in primate study represent, as a group, an objective and knowledgeable body of opinion. We present over 360 signatures of eminent primatologists, together with those of NGO's who deal with the fallout from the primate pet trade, who agree with a statement that primates should not be kept as pets by private keepers.

We present a review of international legislation aimed at restricting or preventing the keeping of primates as pets, and policies of primatological, veterinary and zoological groups on pet primates who recognise the welfare problems associated with keeping primates as pets.

We end by discussing the degree to which different regulatory options under the AWA would protect primates. We outline why we believe a code of practice, as proposed by government, will on its own fail to achieve the government's stated intention of restricting primate ownership, and why a specific restriction in legislation is also required. We believe ownership should be legally restricted to those who keep primates for specified purposes other than pet ownership, namely the sanctuary of abandoned, injured or maltreated primates, or for species conservation as part of a captive-breeding program.

¹ Zoos and research facilities are excluded from this review, as they are from the issue currently under consideration in the UK parliaments

3. The distinctive status of non-human primates

The Primates are the most intensely researched of all animal Orders. Scientific interest in them spans centuries, with studies conducted in the wild, in laboratories and in zoos. There have been tens of thousands of studies, across a range of species, in the fields of brain structure and function, intelligence, behavioural ecology and cognition². These studies have revealed high levels of intelligence and complex behaviour, and a close genetic relationship with humans. Non-human primates' moral status has also been the focus of much philosophical scrutiny, owing to their intrinsic similarities with humans. Indeed, it is this similarity that draws people to primates (frequently with negative consequences for primates). Internationally, legislation reflects a widespread recognition of primates' unsuitability as pets (see Section 12).

Primates are long-lived and intelligent, with sophisticated cognitive capacities and complex patterns of behaviour. They form intricate social relationships and engage in imaginative problem solving. Primates have an extended period of maternal dependency, with infancy and juvenescence extending well beyond nutritional weaning. It appears that this delayed biological and social maturity is linked to the demands of learning about their physical and social environment, and about parenting, for survival and reproduction. Infants weaned early for breeding or research purposes, and consequently deprived of the opportunity to learn and meet these demands, develop behavioural abnormalities, fail to integrate well with their conspecifics (individuals of the same species) and are frequently unable to raise their own young successfully (See Section 9).

Longevity correlates to brain size and parental investment in young such that intelligent, emotionally complex animals are likely to have both a high capacity for suffering and a long life in which to endure it. The table below shows that even very small primates are long lived, have protracted gestation periods and take a long time to reach sexual maturity. Humans exhibit many of the same characteristics as other primates, including protracted maternal care, delayed sexual maturity, a reduced rate of reproduction (the vast majority of primates have only one young per litter) and extended life spans. Primates rely much more on vision than on smell and have refined hands with sensitive pads, mobile digits, nearly always flat nails instead of claws and, sometimes, opposable thumbs. Human ancestors separated from those of other primates only 7-10 million years ago.

Compared with the vast majority of other animals, primates have large brains relative to their body size, and they show increased complexity of the neocortex (that part of the brain associated with higher functions such as sensory perception, spatial reasoning, conscious thought, and in humans, language). Whereas current definitions of intelligence fail to allow us to say anything about how well an animal copes with its own ecology, what is clear is that non-human primate intelligence is similar in kind to human intelligence.

Scientists have explored the evolution of primate intelligence since at least the 1960's, and a number of hypotheses have been advanced by behavioural ecologists. Some of the best-explored hypotheses are based on the principle that the development of primate intelligence has been driven by their foraging strategies. Primate foraging is characterised by the search for irregularly occurring and dispersed food resources, particularly fruit, requiring developed memory and mind-mapping abilities and complex extraction techniques. Primates are unique in the advancement of their ability to use tools in food acquisition, for instance to extract kernels from hard nuts, and such factors can be integrated into the development of primate cultures. Striking examples are known of the incorporation of advanced planning into food acquisition. For instance, capuchins carry stones weighing over 1 kg (up to half the monkeys' body weight) from distances over 200 metres to anvils to crack nuts from nearby trees; these monkeys knew that the short-term gain of taking the nuts to the stones was outweighed in the longer term.

Other hypotheses concern primate society and its effect upon brain development. Most primates live in complex societies, which may invoke their own selection pressures, favouring the evolution of social problem solving skills and other social adaptations. Such hypotheses include the development of the Machiavellian ability to use other individuals as tools, manipulating the social environment in order to meet preconceived goals, as an important factor in the evolution of primate

² A search using the internet library search engine ISI Web of Science (v.3.0) identified over 100,000 scientific papers published since 1992 on primate ecology, cognition, intelligence and awareness.

intelligence. Descriptions of Machiavellian intelligence generally fall into the categories of transmission of novel behaviours, deception and alliance formation. The latter two may predicate knowledge of rank relations between other individuals, which is more complicated than simply knowing who is above and below oneself.

It is entirely reasonable to conclude from the extensive and diverse range of evidence of cognitive capacities that non-human primates are likely to have an awareness of pain, suffering and distress similar in nature to that of humans. Field observations over the last forty years, supplemented by laboratory studies, strongly support the hypothesis that primates experience negative emotions, for instance anxiety, fear, frustration and stress, as well as positive ones such as interest, pleasure and excitement.

Being able to think and reflect on one's thoughts could enhance a capacity for suffering, and there is a growing body of evidence suggesting that at least some primates have thoughts, feelings and understandings similar in important ways to humans. Primates show evidence of self-awareness, that is, an individual's understanding of what it means to be oneself. In humans self-awareness signifies feelings and the capacity to think about those feelings, and to reflect on the similarities and differences between oneself and others. The response to reflections in mirrors offers one particular insight into this development, and the great apes, small apes and macaques, at least, show mirror self-recognition. In fact the work of Jane Goodall and others highlights numerous examples of chimpanzee behaviour where self-awareness is the most likely and straightforward explanation for the behaviour seen. There is also an increasing body of laboratory and field based evidence that non-ape primates show complex social behaviour indicative of self-awareness and reflective thought. Linked to self-awareness is anticipation, which can be described as imagining a personal future. Evidence from capuchins and marmosets highlights advanced co-operative behaviour such as the sharing of food rewards equally, anticipating reciprocation in the future.

Controversially but under strict regulation because of their special status, non-human primates have been used in invasive research as the most appropriate models for humans. Serious philosophical discussion has for years centred on the moral status of primates. Such is their emotional nature that a compelling case has been put forward for great apes to be given a degree of the protection humans have through their moral status as Persons. Eminent biologists, philosophers and writers have launched a 'Declaration on Great Apes' as part of The Great Ape Project³. The Balearic Parliament⁴ has recently announced its approval of a resolution to grant legal rights to great apes, establishing a legal recognition that these creatures are conscious, self-aware beings entitled, as 'persons' rather than 'property', to freedom from torture, abuse and neglect. In June 2008 the Spanish Parliament's environmental committee approved resolutions that the country seek to obtain for great apes the 'fundamental moral and legal protections of the right to life, the freedom from arbitrary deprivation of liberty, and protection from torture'. In 1999 the New Zealand Parliament recognised the special status of great apes and protected them against experimentation that was not in the interests of the individual apes or their own species. In 2007 members of the European Parliament backed a declaration calling for an end to the use of great apes and wild caught primates in research in Europe, and a clear strategy for replacing all primate experiments with humane alternatives.⁵

The UK government has long acknowledged the need to address the issue of pet primates. Debates during the passage of the Animal Welfare Bill made it clear that members of all parties agreed primates should not be kept as pets⁶. Their reasons were a combination of issues discussed here – primates' high level of intelligence and complex needs, and consequently, their greater capacity to suffer when these are not met – and the sense that social values have progressed to the point where it is considered inappropriate to keep such animals as pets. As a result of these concerns, the UK government plans to introduce a code of practice with the intention of restricting the keeping of primates to specialists.⁷ While a code that sets high standards of care is to be welcomed, it will fail to achieve a restriction; for this, regulation is required (See Section 13).

³ <http://www.greatapeproject.org/index.php>

⁴ The Balearic Islands constitute one of the Autonomous Communities of Spain

⁵ <http://www.eurogroupforanimals.org/news/pdf/wdprimatesapr07.pdf>

⁶ House of Commons Standing Committee debate on 19 January 2006 column numbers 152-160 and House of Lords Grand Committee debate on 24 May 2006 columns GC243-247

⁷ Mr Ben Bradshaw in House of Commons Standing Committee debate on 19 January 2006 column 156 and Jonathan Shaw in House of Commons Written Answers 9 July 08 & Defra summary on pet primate secondary legislation: http://www.defra.gov.uk/foodfarm/farmanimal/welfare/act/secondary-legis/primate_keeping.htm

Restricting the keeping of primates by private individuals in the UK would not be without international precedent. A number of legislatures in Europe and around the world have banned, restricted or regulated the private keeping of pet primates (See Section 12).

Modern opinion on humans' interactions with primates appears influenced by two key factors. Firstly, there is the 'moral circle' which humans form around themselves. Humans, at the centre, apply full rights to themselves, and, outside this inner circle, some states have taken steps to assign legal, lesser rights to great apes. Second, the justification for using primates is questioned. For great apes, in the UK, no justification for use in research is good enough, and for primates other than great apes only top quality research directed at medical advance is considered a good enough reason⁸. There are a lot of indications that western society, at least, considers that the closer to humans an animal is, the greater the justification is needed for causing it harm. A current example is provided by the Animal Welfare Act 2006, where the definition of 'animal' only covers vertebrate animals; invertebrates are not protected by the Act. The evidence from international legislation suggests that many local and national legislatures recognise the keeping of primates as pets or as a hobby is not a sufficient justification, given the high likelihood of suffering in such circumstances.

The distinctive status of primates surely requires that only registered, specialised keepers who can ensure high welfare standards and who keep these unique animals for a purpose beyond merely interest or companionship, namely species conservation or rescue from injury, abandonment or neglect, should be allowed to keep them (See Section 13).

Table 1. Primate longevity, sexual maturity and gestation periods⁹

Name	Max. recorded longevity (years)	Weight (grams)	Sexual maturity (days)	Gestation (days)
Ruffed lemur	36	3670	606	99
Ring-tailed lemur	37	2555	753	135
Lesser bush baby	17	192	270	126
Thick-tailed bush baby	23	1095	567	130
Potto	27	1225	547	170
Slender loris	19	238	373	166
Slow loris	26	891	578	188
Tarsiers (various species)	16	123	920	178
Common marmoset	23	255	430	144
Cotton top tamarin	26	446	549	178
Golden lion tamarin	32	655	639	128
Goeldi's monkey	22	555	380	153
Night monkey	30	800	776	142
Titi monkey (various species)	26	962	912	146
Common squirrel monkey	30	925	1415	161
White faced capuchin	54	2655	2213	162
White faced saki monkey	36	1480	1118	158
Red uakari	36	3165	1204	182
Howler monkey (various species)	27	6309	1236	186
Spider monkey (various species)	44	7423	1634	218
Woolly monkey (various species)	32	7650	2038	223
Rhesus macaque	40	8235	1619	165
Guenons (various species)	30	4583	1618	163
Mangabeys (various species)	39	9480	1620	171
Hamadryas baboon	38	18000	1638	171
Hanuman langur	29	13516	1524	192

⁸ Smith, Jane A. and Boyd, Kenneth M., Eds. (2002) The use of non-human primates in research and testing. The Boyd Group. The British Psychological Society. The Boyd Group is a UK-based forum for dialogue on contentious issues in laboratory animal use consisting of experts in biomedical research, regulatory toxicology and primatology.

⁹ Data from the AnAge database (<http://genomics.senescence.info/species>)

4. Protection currently afforded pet primates in the UK

4.1 Animal Welfare Act (AWA) 2006

Primates, along with other vertebrates, are protected by the Animal Welfare Act 2006¹⁰. The AWA makes it an offence to not only cause suffering to an animal, but also for animal owners and keepers to fail to meet their animals' needs. These needs include: a suitable environment; an appropriate diet; opportunities to perform normal behaviours; being housed in appropriate social groups; and protection from pain, suffering, injury and disease.

Due to concerns raised during the passage of the Animal Welfare Bill, pet primates were singled out as an issue requiring more specific provision under secondary legislation.

4.2 Dangerous Wild Animals Act (DWAA) 1976

The Dangerous Wild Animals Act 1976 was originally introduced as a private members bill in response to public concern about the keeping of dangerous pets, especially big cats. It aims to ensure that where private individuals keep dangerous wild animals they do so in circumstances which create no risk to the public and, to a lesser extent, safeguard the welfare of the animals.

Licences are required for any animal that appears on the Schedule to the Act, and include primate species such as lemurs, capuchins, spider monkeys, macaques and all the great apes¹¹. Notable exceptions include marmosets, tamarins and squirrel monkeys¹². Licences are issued by relevant local authorities, and are granted only after the authority is satisfied that it would not be contrary to public interest on the grounds of safety or nuisance; that the applicant is a suitable person; and the animal's accommodation is adequate and secure.

There are clearly many inadequacies in the system. First, non-compliance is thought to run extremely high at between 85 and 95%¹³. For instance, 82% of owners of UK ex-pet primates rehomed at the Monkey Sanctuary did not hold a licence for all or part of the animals' lives. Second, not all local authorities appear aware of their responsibilities to issue licenses and enforce the DWAA.¹⁴ Third, many local authorities lack primate expertise, with consequential confusion over, for instance, species identification, including protected species.¹⁵ Fourth, the species we believe to be the most commonly kept pets in the UK (marmosets – see Section 5.2) do not require licences. Lastly, the limited protection currently afforded primates by the DWAA is set to reduce even further with the introduction of longer running licences and fewer vet inspections.

4.3 Convention on International Trade in Endangered Species (CITES)

International trade in primates is controlled by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, implemented in the UK through EU CITES trade regulations¹⁶.

All primate species are listed on Annex A or B of the EC Regulation¹⁷. Annex A includes the most endangered species for which trade is strictly controlled. This includes all lemurs and some species of marmosets, tamarins and squirrel monkeys.

¹⁰ The Act does not apply to unborn animals and wild animals still living in the wild. 'Protected animals' are defined as animals that fall into any of three categories: a) those commonly domesticated in the British Islands, b) under the control of man whether on a temporary or permanent basis, c) or not living in a wild state

¹¹ For a full list of species that require a licence under the DWAA see <http://www.defra.gov.uk/wildlife-pets/wildlife/protect/documents/dwa-animallist.pdf>

¹² Squirrel monkeys and tamarins, as well as woolly lemurs, night (or owl) monkeys and titis monkeys were removed from the schedule to the DWAA in October 2007.

¹³ Estimate from hobbyists and the pet trade cited in Greenwood, A.G., Cusdin, P.A., & Radford, M. (2001). Effectiveness study of the Dangerous Wild Animals Act 1976. Department for Environment Food and Rural Affairs. Retrieved December 7, 2006. http://randd.defra.gov.uk/Document.aspx?Document=WP01013_3997_FRP.pdf

¹⁴ This was clear from a local authority survey on primate DWAA licences (see this Section).

¹⁵ Responses from a local authority survey on primate DWAA licences (see Section 5.1) included information about non-primates – e.g. kinkajous (an animal in the same family as raccoons) – and non-existent primate species – e.g. "vervet macaque" (a mixture of two different species).

¹⁶ Council Regulation (EC) No 338/97 (and subsequent amendments)

¹⁷ For a complete list see <http://www.ukcites.gov.uk/intro/13322005.pdf>

Commercial trade in wild-caught Annex A species is prohibited, and trade for other purposes is only permitted in exceptional circumstances¹⁸. Captive-bred Annex A and wild-caught Annex B species may be imported for commercial purposes as long as certain conditions are met¹⁹. For Annex A species, a special certificate is needed to sell or move animals from premises specified in the import permit.

No CITES paperwork is required to simply own Annex A or B species, but owners of Annex A species are advised to have a sales certificate issued under Article 10 of the EU CITES Regulation, to prove the animal was acquired legally. Owners of Annex B species are also advised to be able to prove the animals were legally acquired if challenged (e.g. sales certificate).²⁰

¹⁸ The following conditions must be met: the animal is needed for the purpose of advancement of science or for essential biomedical purposes, where it is the only suitable species and no captive-bred animals are available, or for breeding, research or education aimed at preserving or conserving the species (Council Regulation (EC) No 338/97, Article 4.1.a.ii first indent); importation will not harm conservation of the species; there is a permit from the exporting country; the person receiving the animal is approved under the Balai Directive; the final destination is adequately equipped to care and protect the animal; and there is no conservation grounds for refusing the importation.

¹⁹ The import must not harm conservation of the species; there must be a permit from the exporting country; the person receiving the primate should be approved under the Balai Directive; evidence should be provided that accommodation is adequately equipped to care and protect the animal; and there should be no conservation grounds for refusing the importation.

²⁰ Further details can be found at <http://www.defra.gov.uk/animalhealth/FAQ/cites.htm>

5. Number and species of pet primates in the UK

5.1 Number of animals

Obtaining accurate data on the number of pet primates currently held in the UK is very difficult. Previous estimates have been in the range of 1,500-3,000²¹, although others have far higher estimates of between 15,000 and 20,000 animals²².

One source of figures is primate dealers. Sales figures from a single dealer show that 435 primates were sold between 2003 and part of 2009, which averages out at 62 animals a year but ranges between 18 and 112²³. Notably, sales decreased after the introduction of a screening process for potential buyers, without which figures would likely be higher.

On a national level, the only paper trail comes in the form of licences issued by local authorities under the DWAA (see Section 4.2), and so does not include species with no licensing requirement. Records are not centrally held, but various surveys have gathered information directly from local authorities.

In 2000, at least 655 primates were licensed in England and Wales; significantly higher than the 392 licensed in 1988²⁴.

In 2005, local authorities licensed at least 519 primates²⁵, with the apparent drop attributed to an imminent de-listing of some species from the DWAA.

A 2008²⁶ survey showed that local authorities in England, Wales and Scotland had issued a total of 44 licenses for a minimum²⁷ of 223 individual primates, with 202 in England and Wales.

In 2009, a similar survey²⁸ found that 56 DWAA licenses covering at least²⁹ 280 primates had been issued by local authorities in England, Wales and Scotland. The vast majority were in England and Wales (54 licenses for 274 primates). See Table 2. Squirrel monkeys and tamarins, which comprised 33% of licensed species in 2005, no longer need a licence under the DWAA (see Section 4.2). If these form a similar proportion of primates kept today, the total will be more like 373 privately owned primates (Table 2). This could still, however, represent as little as 5-15% of the true number of pet primates in the UK due to high non-compliance with the DWAA (see Section 4.2). The real figure for licensable species (including species de-listed in 2007) could therefore be as high as 2,485 to 7,454 (Table 2). Note that this estimate does not include species never listed on the DWAA schedule, including marmosets which we believe are the most commonly kept (see Section 5.2).

Table 2. Estimated number of privately-held licensable primates in England, Scotland and Wales in 2009

	England	Wales	Scotland	Total
No. primates licensed by local authorities under the DWAA	257	17	6	280
Estimated no. primates incl. species recently removed from DWAA schedule¹	342	23	8	373
Estimated no. licensed primates accounting for non-compliance²	2,280 – 6,841	151 – 453	53 – 160	2,485 – 7,454

¹ This includes estimates for squirrel monkeys and tamarins which were delisted in 2007. See text for further details.

² Non-compliance has been estimated to run as high as 85-95% (Greenwood *et al.* 2001 op. cit. p8)

²¹ Wild Futures pers. Comm., cited in 'Born to be wild: Primates are not pets.' International Fund for Animal Welfare, UK.

²² TSPKA website <http://www.tskaexotics.co.uk/page18.php> accessed 25.11.08.

²³ TSPKA website <http://www.tskaexotics.co.uk/page45.php> accessed 14.11.09.

²⁴ Greenwood *et al.* 2001 op. cit. p8. In 2000, 95% (out of 410) local authorities responded; 76% responded in 1998.

²⁵ Travers, W. & Turner, D. (2005) The sources of and market for primates as pets. In 'Born to be wild: Primates are not pets.' Pp32-45. International Fund for Animal Welfare, UK. 85% of 384 local authorities responded.

²⁶ In 2008, 80% of 377 local authorities contacted in England, Scotland and Wales responded to enquiries by Wild Futures.

²⁷ Several licenses left scope for an indeterminate, and in some cases unlimited number of additional animals (e.g. "four pairs of lemurs plus offspring"; "likely to hold (undisclosed numbers of)" chimpanzees, Barbary macaques, Peruvian spider monkeys and ruffed lemurs.)

²⁸ In 2009, 100% of 407 local authorities in England, Scotland and Wales responded to enquires by Wild Futures.

²⁹ As with the 2008 survey, some licences allowed additional animals to be held under the existing licence (e.g. licensed to keep up to 12; licence would cover offspring).

5.2 Commonly kept species

The latest local authority survey (see Section 5.1) reveals that lemurs are by far the most commonly kept licensed species, followed by capuchins and macaques (Figure 1a).

Incidents investigated by the RSPCA cover all species, not just those that require a DWAA licence (see Section 7). These data show that almost half of the animals involved in confirmed pet primate cases were identified as marmosets while capuchins and squirrel monkeys were the next most common species (Figure 1b). Note that marmosets and squirrel monkeys do not require a DWAA licence (see Section 4.2). Tamarins comprised a smaller proportion than expected (only five animals). Given how often they are seen for sale (see Section 6) and their prevalence in past DWAA surveys (e.g. 10% of licensed species in 2000³⁰ and 17% in 2005³¹ when a licence was required to keep them), the low number of tamarins recorded could be due to some being misidentified as marmosets.

Applications to The Specialist Primate Keepers' Association (TSPKA) to buy primates show a rather different species distribution. Capuchins appear to be the most desired species (40% of applications), followed by squirrel monkeys (30%), marmosets and tamarins (15%), 'large primates' (10%) and lemurs (5%)³². This may reflect public interest rather than species actually owned in the UK, as only one in 20 applications results in a sale³³. This is supported by estimates of actual numbers held, with marmosets thought to be the most numerous (10,000-13,000), followed by tamarins (2,000-4,000), ring-tailed lemurs (1,200-2,000), squirrel monkeys (1,000-1,500), other lemur species (1000+), capuchins (50-70), spider monkeys (20-25) and other species such as vervet monkeys, macaques and mangabeys (1,500).³⁴

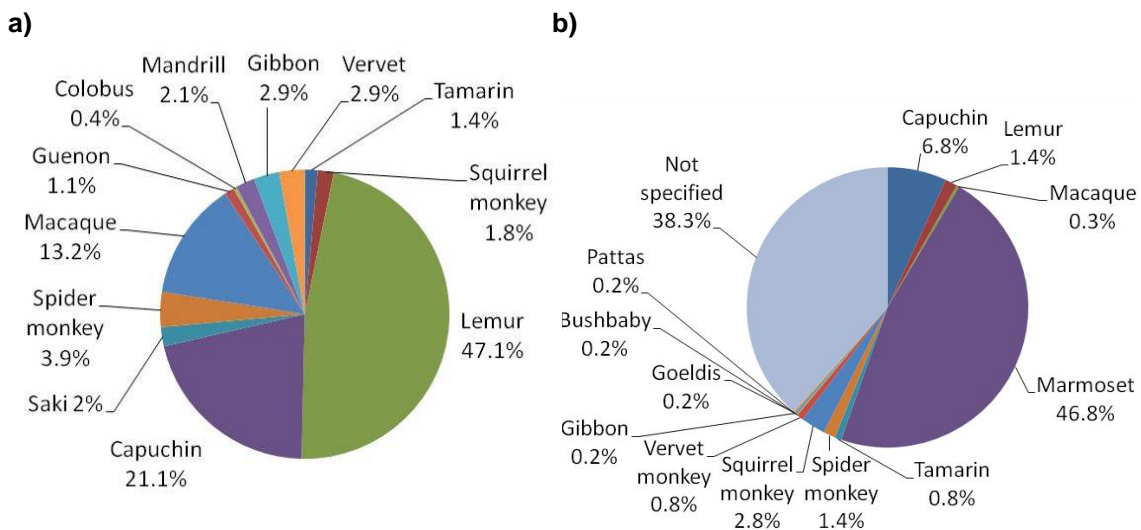


Figure 1. Species breakdown for a) 280 pet primates³⁵ licensed under the DWAA in 2009 (see Section 5.1), and b) 645 pet primates involved in confirmed incidents investigated by the RSPCA between 2001 and 2010 (see Section 7).

³⁰ Greenwood *et al.* (2001) *op. cit.* p8

³¹ Travers and Turner (2005) *op. cit.* p29

³² TSPKA website. <http://www.tskaexotics.co.uk>. Accessed 25.11.08

³³ TSPKA website, *op. cit.* 10. Reasons given for refusal include: insufficient research by the potential buyer; lack of necessary paperwork; false information given; refusal by the current primate owner; inadequate enclosure and refusal to enlarge or change, and the potential buyer having 'silly notions' such as harnessing or dressing up the animal. Note that not all sellers will be this discerning about who they sell to.

³⁴ Rory Matier of TSKA, *pers. comm.*

³⁵ Note that some local authorities continue to issue licenses for species (squirrel monkeys and tamarins) that no longer have this requirement. See Section 4.2.

6. Source of pet primates and avenues of sale

6.1 Importation

Importation would appear not to be a major legal source of pet primates, given that only one primate was imported for personal purposes between 2000 and 2005^{36,37}. Although, as the government holds no records for primates after their six-month quarantine period, primates imported for other purposes might later enter the pet trade.

6.2 Breeders/dealers

The primary source of pet primates is believed to be private dealers and breeders³⁸, but their location and number is largely unknown.

RSPCA records reveal one case, out of ten that mentions source, which involved a primate that was apparently captive-bred and acquired from a breeder.

None of the 407 local authorities surveyed in 2009 reported issuing a DWAA licence to a primate breeder, while only one of 271 did in 2008, in this case for lemurs. In 2005, there were licensed breeders in five districts, four of which responded to the 2008 survey reporting no breeders.

Two local authorities surveyed in 2009 (see Section 5.1) had issued licenses for primate breeders under the Pet Animals Act 1951., Both bred common marmosets.

Wild Futures is aware of several additional primate breeders/dealers operating within the UK, for example in Swansea and Stoke-on-Trent, which are not licensed under the Pet Animals Act 1951. Local authorities have reported problems prosecuting such unlicensed primate dealers/breeders due to the difficulty in proving animals are being sold as "part of a business".

6.3 Pet shops

Primates were found in six of 282 pet shops surveyed in England in Wales in 2007³⁹ and in none of the 222 shops surveyed in 2008⁴⁰.

Of the ten RSPCA incidents where primate source was mentioned in field officers' reports, a pet shop was mentioned in one case.

There is also anecdotal evidence of trade occurring between Northern Ireland and the mainland⁴¹.

In a survey of local authorities in 2009 (Section 5.1), a pet shop was given as the source of one vervet monkey, out of 62 animals with some detail provided.

6.4 Zoos

Although good zoos do a great deal to avoid producing 'excess' animals, and some have policies against selling animals to private individuals (see Section 11.2), some pet primates might originate from zoos⁴².

Primates in two incidents investigated by the RSPCA had apparently been legally acquired from zoos, while marmosets in another were suspected of being stolen from a zoo. A further case involved a primate apparently acquired from a rescue centre after being rejected by its mother.

³⁶ Soulsbury, C. D.; Iossa, G.; Kennell, S. & Harris, S. (2009). The welfare and suitability of primates kept as pets. *Journal of Animal Welfare Science* 12:1-20.

³⁷ World Conservation Monitoring Centre

³⁸ Greenwood *et al.* (2001) *op. cit.* p8; Soulsbury *et al.* (2009) *op. cit.* p 29.

³⁹ RSPCA (2007) *The welfare state: measuring animal welfare in the UK 2006*. Horsham, UK. Available at www.rpsca.org.uk

⁴⁰ RSPCA (2008) *The welfare state: measuring animal welfare in the UK 2007*. Horsham, UK. Available at www.rpsca.org.uk

⁴¹ Wild Futures pers. comm.

⁴² Soulsbury *et al.* (2009) *op. cit.* p 29

At least one capuchin at the Monkey Sanctuary was acquired from a zoo by the previous owner.

A survey of local authorities in 2009 (see Section 5.1) revealed that five lemurs, two sakis and six other primates (from a licence that included capuchins, siamangs, macaques and gibbons) had been acquired from a zoo. A similar survey in 2008 found that two privately-owned lemurs had originated in a zoo.

6.5 Adverts in periodicals

Dealers and breeders sometimes advertise primates in publications like *Cage and Aviary Birds*⁴³ - a popular weekly newspaper for bird keepers with a wide-ranging classified section. A survey of the classified ads in 35 issues of *Cage and Aviary Birds* (January-September 2008) found 11 adverts in 10 issues offering primates for sale. Species available included marmosets, tamarins, greater thick-tailed bushbabies and a black and white ruffed lemur. One advertisement requested pet primates (silvery marmosets and other monkeys). This publication is therefore unlikely to represent a major route for obtaining a pet primate.

6.6 Adverts on the internet

An IFAW survey in 2005 of 11 specialist primate internet sites, and 13 more general sites selling primates as pets, found 146 live primates available for sale, including a number of endangered species⁴⁴.

A 2006 snapshot survey of classified adverts on two UK-based websites over four days found just under 40 sales of the three most common primates found on sale (capuchins, marmosets and tamarins)⁴⁵. Over half of primates of sale were infants and infant capuchins were especially prevalent. Given the young age of many animals on sale, the authors conclude that most primates in the UK are likely captive-bred.

Another snapshot survey was conducted by the RSPCA in 2008. Four sites with classified ads were investigated; one concentrated solely on pets⁴⁶. A single visit revealed at least 45 primate adverts uploaded in the last 14 days – an average of 11 per site. Scams are, however, relatively common. Using sale price as an indicator of *bona fide* adverts – prices should be in the thousands of pounds – suggests that a large percentage of the adverts found were likely to be fake. While this reduces the potential number of animals on offer, it still gives some indication of the popularity of the internet as a route/source for buying and selling primates. Three sites displayed the number of page views, which gives some idea of their popularity. The average number of views per day was 20. On the specialist pet site, one advert was viewed 538 views in just one day, illustrating that, irrespective of the fact that a percentage may be fake, the interest in pet primate adverts is extremely high.

A similar survey of TSPKA's website⁴⁷ revealed 44 primates advertised for sale, comprising mainly marmosets and lemurs, but also tamarins, Goeldis monkeys, squirrel monkeys, spider monkeys and capuchins.

6.7 Other sources

Records held by the RSPCA indicate that in four cases (out of ten incidents where source was mentioned) owners said they acquired their animal from another member of the public (mostly from people said to be unable to look after them properly).

A survey of local authorities in 2009 (see 5.1) reveals some additional sources. Two capuchins had apparently come from the film industry; five lemurs, five capuchins two vervets and 20 macaques

⁴³ Greenwood *et al.* (2001) *op. cit.* p8

⁴⁴ Travers & Turner (2005) *op. cit.* p29

⁴⁵ Soulsbury *et al.* (2009) *op. cit.* p 29. Classified adverts on two UK-based websites were visited over four days (11 July, 15 August, 19 October and 14 December 2006).

⁴⁶ A single visit was made to the following websites on 29.10.08: www.ukclassifieds.co.uk, www.pets-classifieds.co.uk, www.ad-mart.co.uk, www.iclads.com. UK ads placed between 15.10.08 and 29.10.08 inclusive were searched using the following terms: monkey, capuchin, marmoset, tamarin, bushbaby, squirrel, spider. Duplicate adverts, which were common, were counted only once so as not to artificially inflate numbers.

⁴⁷ A single visit was made to the following website on 21.11.08: www.tskaexotics.co.uk/zen

were said to come from rescue centres or sanctuaries; five macaques had come from a research breeding centre and four capuchins had been 'rescued' from unspecified locations.

6.8 Conclusions

The relatively small number of animals available in pet shops, wildlife classified ads and over the internet, combined with the apparent lack of registered breeders, suggests that the UK trade in pet primates is more of an 'underground' business. Anecdotally, many people appear to be under the impression that keeping primates in the UK is already illegal (see Sections 10.1 and 11). This has negative implications for the animals involved, especially considering their complex needs, as they will effectively be kept 'below the radar'.

7. Primate-related incidents dealt with by the RSPCA

Data in this section represents calls made to the Society's cruelty and advice line between 2001 to 2010. When considering these data, it should be borne in mind that a single animal or location might be involved in multiple incidents.

7.1 Number of incidents involving pet primates

The RSPCA received 472 calls between 2001 and 2010 (47 each year on average) about primates kept or traded as pets (kept by private owners or on sale in pet shops, garden centres etc.), hereafter referred to as 'pet primates' (Table 3). A total of 916 primates were involved (averaging 92 per year). Each incident involved one to three animals on average, but up to 30. Most were complaints of neglect, suffering and suspected illegal activity (89% of calls involving 813 animals).

Calls investigated by RSPCA field staff (e.g. some were dealt with by other agencies such as local authorities) total 315 confirmed incidents (32 a year on average). These involved 645 primates, averaging 64 animals a year (see Table 3). Again, these were largely complaints about neglect, suffering and suspected illegal activity (90% of calls, involving 594 animals).

Table 3. Calls received by the RSPCA about pet primates⁴⁸

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Total no. incidents	58	73	51	42	60	34	42	52	30	30	472
England	56	71	43	42	54	32	40	49	30	28	445
Wales	2	2	8	0	6	2	2	3	0	2	27
Confirmed incidents	47	50	28	25	45	23	32	23	22	20	316
England	45	49	24	25	41	22	30	21	22	19	299
Wales	2	1	4	0	4	1	2	2	0	1	17
Total no. animals	117	167	67	59	118	73	71	109	59	76	916
England	115	165	56	59	108	69	67	105	59	70	873
Wales	2	2	11	0	10	4	4	4	0	6	43
Confirmed no. animals	105	89	41	39	80	58	56	66	49	62	645
England	103	88	35	39	72	56	52	64	49	57	614
Wales	2	1	6	0	8	2	4	3	0	5	31

7.2 Number of seizures, prosecutions and rehomed pet primates

RSPCA field staff identified welfare issues in 90% of confirmed incidents.

Proceedings were started against primate owners in six cases (Table 4). These gave rise to two successful prosecutions, leading to one owner receiving a written caution and another a fine plus a five-year disqualification from keeping primates. In both cases, the animals were seized. Of the other four incidents, two led to the animals being removed and two were not progressed.

An additional five incidents resulted in primates being seized, signed over or rehomed. A further four owners stated their intention to rehome their primates, or had sold them before the case was closed. Another case involved the RSPCA boarding animals suspected of having been stolen from a zoo.

⁴⁸ Note that these figures are not comparable to RSPCA data reported in Soulsbury *et al.* (2009) - *op. cit.* p29. In addition to representing different year ranges, the RSPCA's reporting system has since been improved and data reported in Soulsbury *et al.* includes some cases where primates were held in situations other than as pets (e.g. in zoos).

Table 4. Outcome of confirmed incidents involving pet primates

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Confirmed incidents	47	50	28	25	45	23	32	23	22	20	316
Animal seized or signed over ¹	0	1	0	0	2	1	0	1	1	1	7
Proceedings started	0	1	1	0	1	0	0	1	0	0	4
Successful Prosecution	0	0	2	0	0	0	0	0	0	0	2

¹A further four incidents, in other categories, involved animals being seized or signed over (see text).

7.3 Numbers taken in context

Some might interpret the number of incidents dealt with by the RSPCA as showing an absence of any real welfare problem, but this is far from the truth. Several factors must be borne in mind when considering these figures. First, the bulk of incidents occurred before the introduction of the welfare offence in the AWA when suffering first had to be demonstrated before action could be taken. Second, RSPCA inspectors deal with a huge range of species and might not possess the level of expertise required to recognise poor housing/husbandry and the often subtle signs of poor welfare in captive primates. This is compounded by a lack of sufficiently experienced veterinarians to provide robust evidence required to support a prosecution. Third, compared to many other companion animals, primates are kept in small numbers. In context, the RSPCA actually receives a comparably high number of complaints about primates compared to other companion animals (of species less noticeably kept than dogs and cats, which are more visible to the general public). For example, if only 2,485 rabbits were kept as pets in the UK, rather than the estimated 1 million in 2010 (see Table 5), the RSPCA would expect to record around 90 incidents between 2001 and 2010 – more than three times lower than the actual number of confirmed incidents relating to pet primates (see Table 5). Numbers reported here thus suggest welfare problems are prevalent in pet primates.

Table 5. Number of confirmed complaints expected for other companion animals between 2001 and 2008 if they were kept in similar numbers to primates

Animal type	Estimated number kept as pets in the UK ¹	Actual number of complaints received ²	Complaints ² expected if only 2,485 kept	Complaints ² expected if only 7,454 kept
Primates	2,485 – 7,454³	315	315	315
Rabbits	1,000,000	37554	93	280
Indoor birds ⁴	1,000,000	27496	68	205
Hamsters	400,000	5425	34	101
Snakes	200,000	9072	113	338
Tortoise/Turtles	120,000	4054	84	252
Gerbils	140,000	1297	28	85

¹ Figures taken from a 2008 and 2010 surveys by The Pet Food Manufacturers Association (www.pfma.org.uk).

² Actual numbers of confirmed complaints 2001-2010

³ Estimated number of primates kept as pets in the UK (see page 10)

⁴ Species were not specified in the PFMA survey, but assumed here to comprise budgies, canaries, finches, parrots, and cockatiels.

8. Inappropriate care likely to lead to welfare problems

Primates require a high level of specialist care to provide for their complex needs (see Section 3). A recent study published in the *Journal of Applied Animal Welfare Science*⁴⁹ looked at the suitability of primates as pets and identified a wide range of welfare concerns. The authors conclude that there is strong evidence primates do not make suitable pets and recommend the practice be stopped on welfare grounds. Several of these concerns are discussed below, along with some indication of their prevalence.

8.1 Solitary housing

Primates have evolved to live in sophisticated social systems (see Section 3), yet most (61%) incidents confirmed by the RSPCA involved primates housed alone.

This predominance of solitary-housed primates is supported by findings of Soulsbury *et al.* (2009)⁵⁰ who report that the majority (78%) of adverts on two UK-based websites offered single primates for sale.

Such maternal and social deprivation is known to have significant and far-reaching detrimental effects on primates, including high levels of abnormal behaviours like stereotypies and self-mutilation, difficulties socialising with other animals later in life and problems rearing young⁵¹.

8.2 Early separation from mothers

Curtailing the period in which young primates are dependent on their mothers ('early weaning') is known to have profound and long-lasting negative psychological and physiological effects⁵². Hand-rearing by humans does not make up for this loss, and is associated with a range of welfare issues (e.g. abnormal behaviours, poor breeding success)⁵³.

A survey of internet sites with primates on sale revealed that most animals (63%) were infants⁵⁴. Similarly, a survey conducted by the RSPCA (Section 6.6) found that around 70% of adverts were for "babies" and a further 23% involved primates said to be under 12 months of age. These results suggest that early separation is a significant problem in pet primates.

8.3 Inappropriate cage size and type

Primates require sufficient space and the correct type of environment to express an array of natural behaviours. Foraging, social interaction (including opportunities to avoid companions), locomotion (e.g. swinging, climbing), playing and exploring are all behaviours that should be stimulated⁵⁵.

RSPCA records show that over a quarter of cages were judged by RSPCA field staff to be too small (26% of 77 incidents), with as little as 0.27m² (2.91 ft²) of floor space and 0.6m (2.0ft) of height available to the animals. Primates were found housed in parrot cages in several instances, as well as a glass-fronted cupboard, aviaries and sheds. Only half had access to the outdoors (out of 32 cases where it was reported), with cages found in living rooms, kitchens, under stairs as well as in garages, sheds, balconies and gardens. Several primates were said to have the run of a room or the whole flat/house, but as noted by Hevesi (2005)⁵⁶ this can develop into a dangerous situation as

⁴⁹ Soulsbury *et al.* (2009) op. cit. p 29

⁵⁰ Op. cit. p 29

⁵¹ Soulsbury *et al.* (2009) op. cit. p 29; Hevesi, R. (2005) Welfare and health implications for primates kept as pets. In, 'Born to be wild: Primates are not pets.' Pp18-29. International Fund for Animal Welfare, UK

⁵² E.g. Baker, A. J., A. M. Baker & K. V. Thompson (1996). Parental care in captive mammals. *Wild Mammals in Captivity*. D. G. Kleiman, M. E. Allen, K. V. Thompson and S. Lumpkin (eds). Chicago, University of Chicago Press: 497-512; Lewis, M. H., J. P. Gluck, J. M. Petitto, L. L. Hensley, H. Ozer (2000). Early social deprivation in nonhuman primates: long-term effects on survival and cell-mediated immunity. *Biological Psychiatry* 47: 119-126; Prescott, M. J. (2002) Counting the cost: welfare implications of the acquisition and transport of non-human primates for use in research and testing. RSPCA, Horsham, UK.

⁵³ Soulsbury *et al.* (2009) op. cit. p 29; Hevesi (2005) op. cit. above.

⁵⁴ Soulsbury *et al.* (2009) op. cit. p 29; primates were described as 'babies' or similar.

⁵⁵ Hevesi 2005, op. cit., p 29

⁵⁶ Hevesi 2005, op. cit., p 29

primates become more challenging to keep as aggressive and destructive behaviours become more common as animals reach adulthood.

Space is certainly not the only issue likely to be constrained in a domestic setting. Primates require suitable humidity levels and temperatures, adequate light levels and cycles. For example, sunlight is considered essential as it enables the production of vitamin D3. Species commonly kept as pets, such as marmosets, tamarins and squirrel monkeys, are especially susceptible to sunlight deprivation, which can cause a host of health problems including rickets, tooth decay and abscesses (see Section 9).

8.4 Other issues

Other issues of concern reported by RSPCA field staff include a lack of heating, unhygienic conditions, health problems (e.g. hair loss) and inappropriate diet (e.g. animals fed junk food).

9. Welfare problems reported in pet primates

9.1 Survey of veterinarians

Out of 190 veterinarians in England and Wales that responded to a 2004 survey, 3.5% of exotic pets treated in one year were primates, totalling 71 animals⁵⁷. Given the relatively low numbers of primates in the UK (see Section 5.1), this small sample of veterinarians suggests a serious problem.

9.2 Problems seen in ex-pets arriving at the Monkey Sanctuary

Ex-pet primates commonly exhibit numerous abnormalities, both behavioural and physical. For instance, none of the monkeys rehomed at the Monkey Sanctuary was free of behavioural problems on arrival, and most exhibited multiple neuroses. Repetitive and stereotypic behaviours such as pacing and head-twisting are common; others include teeth grinding, self-biting, obsessive grooming, self-grasping, rocking and overeating (see Table 6).

Physical abnormalities common in ex-pets include teeth and gum disease, and various skeletal malformations such as osteoporosis, metabolic bone disorder, hip dysplasia and fusing or curvature of the spine. Liver disease, obesity and raised cholesterol have also been found. See Table 7.

In addition to these issues, at least six out of the 17 ex-pets at the Monkey Sanctuary are known to be wild-caught rather than captive-bred, which in itself has serious welfare implications.

Table 6. Examples of abnormal behaviours displayed by the 17 ex-pet primates at the Monkey Sanctuary

Behavioural Abnormality	Primates (%) ¹
Pacing	41
Head twisting	29
Hair plucking	12
Self grasping/mutilation	12
Mesh biting	12
Teeth grinding	12
Swaying	6
Hand wringing	6
Jumping	6
Clapping	6
Rocking	6
Overeating	6

¹ Does not sum to 100 as all animals suffer from more than one abnormal behaviour.

Table 7. Some of the more common physical abnormalities seen in the 17 ex-pet primates at the Monkey Sanctuary

Physical Abnormality	Primates (%) ¹
Dental/gum disease	53
Fused tail vertebrae or spine	41
Broken or missing digits	29
Osteoporosis	18
Emaciated/underweight	12
Obese/overweight	12
Scoliosis (curvature of the spine)	6
Hip dysplasia	6

¹ Does not sum to 100 as animals often suffer from more than one physical abnormality

⁵⁷ RSPCA (2004) Handle with care: A look at the exotic animal pet trade. RSPCA, Horsham, UK.

9.3 Case studies

The implications of inadequate care are perhaps best illustrated with case studies of ex-pets rehomed to the Monkey Sanctuary.

Joey

This capuchin was caught from the wild and legally brought into the UK. The CITES permit stated that he had been “rescued from the wild”.

He was kept in a small cage on the third floor of a London apartment building for nine years. A lack of natural light and a proper diet led to nutritional bone disease. He has extensive bone deformation, including bowed limb bones, and poor bone density. Many of his teeth are displaced and some remain unerupted in the lower jaw.



He cannot climb or eat easily, and is permanently disabled. Joey has also been psychologically affected by his life as a pet and exhibits stereotypical rocking behaviour.

Whilst in his cage, a wide-screen TV played constantly with the volume turned down. His owner was away most of the time and, other than a friend who spent about an hour with him every day, Joey had no social companionship.

It appears the local council granted a DWAA licence (see Section 4.2) for Joey for at least the first year, but at some point this was not renewed and the council never followed up the case. This means that the council approved of the conditions in which Joey was kept - conditions that led to serious physical deformities and behavioural abnormalities.

While Joey’s background and resulting physical and mental state seem severe, this is by no means an extreme case; it is simply one of the better-publicised stories.

Missey

Passed from pet owner to unregulated sanctuaries, this capuchin was suffering from a host of health issues when she arrived at the Monkey Sanctuary.

Information on her background is limited. It is unknown where Missey was born but before arriving at the Monkey Sanctuary she lived at two sanctuaries for at least 15 years in total. The DWAA licensed sanctuary that handed her over said she had lost her digits and fur when they took her in, and appeared disabled and thin. Her tail broke in half in the last five years of her life at that sanctuary. She was never examined by a vet at this sanctuary (other than visual checks for the DWAA inspection which took place once a year), because they were concerned she would not survive an anaesthetic. As a result, she was not treated for her osteoporosis or metabolic bone disease, and tooth and gum disease went undiagnosed. No faecal screening was ever carried out so her very large intestinal parasite infestation was left untreated. She was about 40 years old when she arrived at the Monkey Sanctuary. It is thought she had spent all of her life alone, except in the last year during which she was paired with a young male capuchin.



On arrival at the Monkey Sanctuary she was a third of her proper weight. She was given dental treatment and wormed; this appeared to make her more comfortable, able to eat more normally and she became quite active. However, she died six weeks after arriving at the Sanctuary.

10. Concern from the public

10.1 Calls received by the RSPCA

Calls to the RSPCA's general enquiries line provide an insight into issues present in the minds of the public. Between January 2001 and August 2008, 97 calls about pet primates were received. It is important to note that a number of calls cover more than one topic, which is reflected in the figures.

Of the 97 calls, 85% concerned issues of legality and licensing; 65% of these specifically requested information on the legality of keeping or importing a pet primate into the UK. During 27% of calls, the caller expressed concern over the welfare of primates for sale or kept as pets. A quarter (26%) of all callers requested advice on how to obtain or care for pet primates.

The most commonly mentioned species was the marmoset (19% of calls) – supporting other data suggesting they are the most commonly kept species (see Section 5.2) – followed by capuchins (17% of calls).

The total number of calls is not excessively high; this could be due to the smaller number of primates kept in comparison to more common pets such as rabbits and pet birds (see Section 7.3). In addition, many callers may have contacted the RSPCA cruelty and advice line (see Section 7) rather than the general enquiries line. It may also be reflective of the fact that primates are often kept indoors and therefore members of the public who would call with concerns about welfare or legality remain unaware of the animal's existence.

The main issues covered in these calls illustrate the general public's lack of knowledge about the legality of pet primates and/or licensing requirements, and the husbandry needs of these animals, and their concern about the welfare of pet primates (see Section 7).

10.2 Support for petitions against the keeping and trade of pet primates

In addition to calls made to the RSPCA, a petition initiated by Wild Futures against the primate pet trade has gained considerable public support, with over 25,000 signatures⁵⁸.

A campaign by IFAW in 2005 to prohibit the keeping of all primates generated around 5,400 postcards and emails. A MORI poll conducted for IFAW at around the same time found widespread support (78% of those questioned) for making the keeping of primates as pets illegal in the UK⁵⁹.

A similar petition in 2005 by the Monkey World primate sanctuary in Dorset gained 56,500 signatures⁶⁰.

The public, as well as primate professionals, clearly feels strongly about this issue (see Section 11.1).

⁵⁸ Petition Them.com: Stop the primate pet trade in the UK. www.petitionthem.com/?sect=detail&pet=1623 Accessed 28.10.08 (no longer accessible) & paper petition.

⁵⁹ 2,056 people around Great Britain were questioned between 6 and 10 October 2005. For further details see <http://www.ipsos-mori.com/content/primates-as-pets.ashx>

⁶⁰ Minutes of the Primate Working Group, November 2006.

11. Concern from primate professionals

11.1 Sign-on for a restriction on primate keeping

Over 360 eminent primatologists, highly regarded conservationists, high-ranking zoo professionals, primate rescue organisations and other respected professionals support our call for a restriction on primate keeping to genuine specialists, i.e. those who keep primates for the purposes of conservation and sanctuary (see Appendix, Section 15.1 Sign-on statement). A small selection is shown below. The full list of signatures is available on request from Sophie Adwick (sadwick@rspca.org.uk).

The UK's national primatological society, the Primate Society of Great Britain (PSGB), the International Primatological Society (IPS) and The Jane Goodall Institute-UK (JGI-UK) have given us their support.

Prof Simon Bearder. Oxford Brookes University, UK
Prof Dr Christophe Boesch. Max Planck Institute for Evolutionary Anthropology, Germany
Prof Hannah Buchanan-Smith, Primatologist, University of Stirling, UK
Prof Colin Chapman. Department of Anthropology, McGill University, Canada
Julian Chapman. Senior Head Keeper - Mammals, Paignton Zoo, UK
Prof Dorothy Cheney. Pennsylvania University, USA
Dr David Chivers. Cambridge University, UK
Dr Tim Clutton-Brock. University of Cambridge, UK
Prof Robin Dunbar. Oxford University, UK
Dr Dorothy Fragaszy. Georgia University, USA
Dame Jane Goodall. DBE PhD. The Jane Goodall Institute
Prof Colin Groves. Australian National University, Australia
Dr Sonya Hill. Applied Ethologist, Chester Zoo, UK
Dr Paul Honess. Oxford University, UK
Ms Nicky Jago. Zookeeper, Paignton Zoo, UK
Dr A. Kitchener. Museum Curator, National Museum of Scotland, UK
Dr John Knight BVetMed, MIBiol, MRCVS. Zoo and Wildlife Management Consultant, UK
Dr Shirley McGreal. Founder and Director of the International Primate Protection League (IPPL)
Dr William C. McGrew. Cambridge University, UK
Prof. Ann MacLarnon. President of the PSGB & Professor, Roehampton University, UK
Prof John Mitani. Michigan University, USA & IUCN Primate Specialist Group
Dr Russell A Mittermeier. Conservation International, USA
Dr Akisato Nishimura. Doshisha University, Japan
Erwin Palacios. Conservation International, Colombia
Prof Anne Pusey. University of Minnesota, USA
Dr Susan Perry. University of California - Los Angeles, USA
Mark Pilgrim. Conservation and Education Director, Chester Zoo, UK
Claire Quarendon, on behalf of the JGI-UK
Ian Redmond, OBE. Great Ape Alliance & UNEP/UNESCO Great Apes Survival Project, UK
Dr Anthony Rylands. Conservation International, USA
Prof Robert Sapolsky. Stanford University, USA
Dr Eva Schippers. Rescue Manager, AAP Sanctuary for Exotic Animals, The Netherlands
Dr Christoph Schwitzer. Head of Research, Bristol Zoo, UK
Prof Robert Seyfarth. Pennsylvania University, USA
Dr Frans B. M. de Waal. Emory University & Yerkes National Primate Center, USA
Dr Richard Wrangham. Harvard University, USA
Prof Juichi Yamagiwa. President of the IPS & Professor at Kyoto University, Japan

11.2 Organisations with policies against pet primate keeping and trade

Several professional organisations already have a policy against the keeping of primates as pets. The British and Irish Association of Zoos and Aquariums (BIAZA) has a position against the keeping of primates: “BIAZA are against the keeping and selling of primates as pets as they have complex needs. Any private ownership and holding of primates should be subject to inspection and the animals should be kept in physical and social environments that comply with recognised guidelines and codes of practice.”⁶¹ BIAZA also have a general policy against sending animals to private owners⁶².

The International Primatological Society (IPS), whose membership encompasses world-renowned primatologists from a range of disciplines, including conservation, welfare and scientific research, “opposes the holding of nonhuman primates in captivity by individuals for any non-scientific, non-certified educational or non-registered/accredited sanctuary purposes, including the possession of nonhuman primates as pets or companion animals as well as engaging in breeding and trading for these purposes.”⁶³

The British Veterinary Association’s Ethical Working Group believes all primate imports should be banned and that while primate keeping should not be encouraged those that are kept should be subject to regulation similar to the Dangerous Wild Animals Act 1976, which requires a licence to keep specific animals (see section 4.2)⁶⁴.

The American Association of Zoos and Aquariums (AZA) supports the “elimination of the trade in pet primates”⁶⁵ and states that “under no circumstances should any primates be dispositioned to a private individual or to the pet trade”⁶⁶.

The American Society of Primatologists (ASP) discourages the keeping of primates as pets.⁶⁷

The Wisconsin Primate Research Centre (WPRC) “does not condone the private ownership of primates as pets”.⁶⁸

⁶¹ Pers. Comm. Dr Miranda Stevenson, Director of BIAZA, June 2009

⁶² BIAZA Animal Transaction Policy (2009) www.biaza.org.uk/resources/library/images/ATP09.pdf

⁶³ ‘Private Ownership of Nonhuman Primates’ Policy Statement.

<http://www.internationalprimatologicalsociety.org/PrivateOwnershipOfNonHumanPrimates.cfm>

⁶⁴ Pers. Comm. Rachel Keys, BVA Policy Officer, July 2010

⁶⁵ AZA Primate Advisory Groups’ Primate Pet Trade Position Statement

www.greatapetrust.org/media/pdfs/2007/AZA_statement.pdf

⁶⁶ AZA, The accreditation standards and related policies 2010 edition. <http://www.aza.org/accred-materials/>

⁶⁷ ‘Private Ownership of Primates’ www.asp.org/society/resolutions/private.html

⁶⁸ ‘Primates as Pets’ pin.primate.wisc.edu/aboutp/pets/

12. Legislation on pet primates in other countries

A number of legislatures have banned, restricted or regulated the private keeping of pet primates. For instance, keeping primates as pets has been banned in Bulgaria, Sweden, Belgium, the Netherlands, Israel, Mexico, Honduras, Brazil and India as well as at least 21 states in the US. Further details can be found below.

Since 1975, it has been illegal to import pet primates into the United States from any country, and importation of primates for personal use from all countries except the US is prohibited in Canada⁶⁹. The keeping of all or specified taxa of primates as pets is illegal in at least 21 US states including Hawaii, New York and California, with permit systems regulating private keeping in a further thirteen⁷⁰. In addition, the Captive Primate Safety Act (S. 1498/H.R. 2964), if enacted, would ban interstate trade in pet primates⁷¹ and a proposed Rule⁷², if adopted, would prevent primates, and other wild species, being used as helpers by disabled people. Aside from state laws, many US municipalities, cities and/or counties prohibit private possession of non-human primates. Primate keeping was also recently banned in the Canadian province of British Columbia⁷³. The keeping of primates as pets is illegal in almost all states and territories of Australia with the exception in some areas, for example New South Wales, of those individuals already owning them prior to the ban coming into force⁷⁴. In Israel⁷⁵, Mexico⁷⁶ and Honduras⁷⁷ the private keeping of primates is banned, as is import and export of these animals under most, if not all, circumstances. In Brazil⁷⁸ and India⁷⁹, all wild animals (including primates) are considered to be property of the government, and as such cannot legally be kept as pets by members of the public.

The issue is also covered by legislation of EU member states. In Denmark, a regulation issued under the Danish Animal Welfare Act in 2002 prohibits the private keeping of all primates except marmosets and tamarins, since primates are 'animals that can create fear or should not be kept due to animal welfare reasons'⁸⁰. With the exception of rescue centres and zoos, Bulgaria's Animal Protection Law 2008 states that it is illegal to 'import, acquire, sell, own and breed prosimians and monkeys from the Order Primates'⁸¹. This Act additionally bans these animals from use in 'circuses, variety shows and other entertainment establishments', further highlighting widespread recognition of their unsuitability for private captive use. Sweden⁸², Belgium⁸³ and the Netherlands⁸⁴ have also passed laws making the private keeping of primates as pets illegal, as has Andalusia, an autonomous community in Spain⁸⁵. While the practice has not been banned outright in Switzerland, permits are required to keep primates as pets, which have strict conditions attached⁸⁶.

⁶⁹ Canadian Government Wildlife Service at www.cites.ec.gc.ca. July 2008

⁷⁰ Born Free USA united with Animal Protection Institute at www.api4animals.org/b4a2_exotic_animals_summary.php. October 2008.

⁷¹ This Act is currently awaiting action on the senate floor. GovTrack.us at www.govtrack.us/congress/bill.xpd?bill=h110-2964. July 2008

⁷² Proposed Rulemaking to amend 28 CFR Part 35: Nondiscrimination on the Basis of Disability in State and Local Government Services U.S. Department of Justice. www.ada.gov/NPRM2008/t3NPRM_federalreg.pdf. May 2009

⁷³ The Wildlife Act's Controlled Alien Species Regulation. www.env.gov.bc.ca/fw/wildlifeactreview/cas/about.html. May 2009.

⁷⁴ Primates for Primates at www.primates4primates.org. July 2008 (no longer accessible).

⁷⁵ CITES Notification to the Parties No. 2000/003, 31 January 2000

⁷⁶ General Law for Wildlife 2000.

⁷⁷ Ley Forestal y Areas Protegidas, Decreto No. 98-2007. 26 February 2008

⁷⁸ Animal Legal & Historical Center at www.animallaw.info/nonus/articles/ovbrazil.htm. October 2008

⁷⁹ The Indian Wildlife (Protection) Act 1972 at <http://envfor.nic.in/legis/legis.html>. October 2008

⁸⁰ Lowther, J. (2005) Legislation governing the trade in and keeping of primates as pets. In 'Born to be wild: Primates are not pets.' Pp55-66. International Fund for Animal Welfare, UK.

⁸¹ Articles 21 and 27(1), Animal Protection Law, 2008 at <http://anna.m3plus.net/vierpfoten-eu/website/output.php?idfile=2391>

⁸² Föreskrifter om ändring i Djurskyddsmyndighetens DFS 2005:8 föreskrifter och allmänna råd (DFS 2004:16) om villkor för hållande, uppfödning och försäljning m.m. av djur avsedda för sällskap och hobby. 28 June, 2005

⁸³ Arrêté royal du 7 décembre 2001 fixant la liste des animaux qui peuvent être détenus. 7 December 2001

⁸⁴ Flora and Fauna Act 1998.

⁸⁵ DECRETO 42/2008, de 12 de febrero, por el que se regula la tenencia de animales potencialmente peligrosos en la Comunidad Autónoma de Andalucía. 12 February 2008.

⁸⁶ Swiss Animal Protection Ordinance 1981.

13. Regulatory options

A number of different models could be used to address the issue of pet primates under the AWA. The main options as we see them are discussed below, starting with the various possible components followed by discussion of the pros and cons of different models. This is by no means an exhaustive list.

13.1 Options available

13.1.1 Code of Practice

The government plans to introduce a code of practice in association with Section 9 of the AWA to “provide a comprehensive guide for primate owners and keepers on how they can best meet the needs of their animal and so meet their ‘duty of care’ under the Animal Welfare Act.”⁸⁷

Although breaching a code would not be an offence, it could be used as evidence in a prosecution⁸⁸. Magistrates could weigh up the significance of a provision of the code and could consider any other evidence e.g. expert witness testimony or other published information when considering liability.

Restrictions include the inability to include mandatory requirements, or to use language implying mandatory requirements, such as ‘must’, unless it is setting out requirements already contained in primary or secondary legislation. Imposition of specific legal obligations, breach of which leads directly to civil or criminal liability, would need to be spelled out in primary or secondary legislation⁸⁹. Enforcing provisions of the code directly will, however, be very difficult without supporting regulation.

13.1.2 Registration scheme

A registration scheme introduced under Section 13 of the AWA could make it an offence for a private individual to keep a primate if it has not been registered in accordance with a scheme administered by the relevant local authority. We suggest primates are permanently marked for identification purposes (e.g. microchip), and details noted on the register. No regular inspections would take place but it would be possible for the local authority to enter to inspect registered premises to check if offences were being committed.

13.1.3 Licensing scheme

A licensing scheme introduced under Section 13 of the AWA could make it an offence for a private individual to keep a primate without a licence or in breach of a licence condition. Relevant local authorities would issue licences. We would recommend licence conditions be specified to enhance record keeping and protect animal welfare. It would be possible to specify that compliance with the code (see Section 13.1.1) is a licence condition. Inspections by local authorities would be undertaken to ensure licence conditions were being complied with, and to provide an opportunity to determine whether any offences were being committed. Primates would need to be permanently marked for identification purposes (e.g. microchip), and details noted on the licence.

13.1.4 Specialist keepers

Government signalled its intention to restrict the private keeping of primates to ‘specialist keepers’. A regulation introduced under Section 12(1) of the AWA could define ‘specialist keeper’ and create an offence for any other private individual to keep a primate. We propose that a ‘specialist keeper’ would be someone who keeps primates for the purpose of species conservation or who cares for abandoned, neglected, maltreated or injured animals e.g. sanctuaries and individuals to whom sanctuaries re-home animals. In relation to private ownership for conservation, only species for which a genuine conservation need has been recognised would be able to be kept. It is acknowledged that not all professionally recognised controlled breeding programmes admit private individuals. Nevertheless, if private individuals were able to participate in such programmes, this could be a permitted purpose for private primate ownership. Specialist keepers would be required to adhere to the code of practice (see Section 13.1.1).

We propose a grandfather clause to allow non-specialists to keep primates they currently own but a prohibition on future acquisitions, either through trade or breeding.

⁸⁷ ‘Primate Keeping’ http://www.defra.gov.uk/foodfarm/farmanimal/welfare/act/secondary-legis/primate_keeping.htm

⁸⁸ Section 14(4) Animal Welfare Act 2006

⁸⁹ Appendix C of the Cabinet Office Guide to Legislative Procedures (October 2004).

13.1.5 Pros and cons of different models

1. Maintain the status quo

- ✓ Little apparent regulatory burden.
- ✓ No additional enforcement needed.
- × Fails to address welfare concerns about primates kept as pets.
- × Fails to deliver on the government's stated intention of restricting primate keeping to specialists.
- × No way of monitoring who is keeping primates and thus whether needs are being met.

2. Code of practice alone

- ✓ Code may be used in the courts to help establish whether or not an offence had been committed.
- ✓ Codes can be amended relatively easily compared to regulations.
- × Fails to achieve government's stated intention to restrict keeping of primates to specialist keepers as codes are voluntary and cannot on their own render primate keeping by any person unlawful.
- × Fails to provide genuine safeguard for primate welfare, as keepers would have to be found and prosecuted for a cruelty or welfare offence (rather than breach of the code).

3. Code of practice plus registration scheme

In addition to 2 above:

- ✓ Provides a list of primates owners.
- ✓ Local authorities have powers under the Act to inspect registered premises⁹⁰.
- ✓ Registration could be refused if a pre-condition, such as veterinary inspection, is not met.
- × Some cost and administrative burden for local authorities and keepers.
- × Local authorities have no power of entry to inspect premises suspected to hold unregistered primates unless animal suspected to be in distress.
- × Registration schemes not favoured by Local Government Associations (LGAs) in England and Wales due to lack of power conferred coupled with expectation of responsibility and action⁹¹.
- × Indefinite or long time period between initial registration and requirement to renew.
- × Possible lack of expertise in local authorities.
- × Potential for high non-compliance, as seen with the Dangerous Wild Animals Act 1976.
- × Although registration may be refused if a pre-condition to registration is not met, registration cannot be withdrawn if condition fails to be met during registration period.

4. Code of practice plus licensing scheme

In addition to 2 above:

- ✓ Provides a list of primates owners.
- ✓ Local authorities have powers under the Act to inspect registered premises².
- ✓ Allows licence conditions to be set and enforced directly by prosecuting for breach.
- ✓ Compliance with code of practice could be a licence condition, giving the code 'teeth'.
- ✓ Favoured over registration scheme by LGAs
- × Some cost and administrative burden for local authorities and keepers.
- × Local authorities have no power of entry to inspect premises suspected to hold unlicensed primates unless animal was suspected to be in distress.
- × Possible lack of expertise in local authorities.
- × Potential for high non-compliance, as seen with the Dangerous Wild Animals Act 1976.
- × Although local authority can refuse to grant or renew a licence if a licence condition is met, the licence cannot be withdrawn if a condition fails to be met during the licence period, but the local authority can prosecute for breach of the licence condition.

⁹⁰ For private dwellings on 24 hours' notice

⁹¹ Opinion expressed in forum dealing with other secondary legislation issues.

5. Regulation to restrict primate keeping to 'specialist keepers'. Must follow a code of practice and licence/register all primates kept

- ✓ Achieves government's stated intention to restrict keeping of primates to specialist keepers.
- ✓ Genuine safeguard for primate welfare, as it prevents primates falling into the hands of those unable to meet their needs in the first instance.
- ✓ Code can be used in the courts to help establish whether an offence had been committed.
- ✓ Minimal administrative and financial burden on local authorities for registration/licensing scheme due to small number of specialist keepers (see points 3 and 4 for discussion of pros and cons of registration and licensing schemes).
- ✓ Straightforward process to identify primates held unlawfully as location of all lawfully held primates is known.
- ✓ Costs incurred by local authorities could be recovered by charging for licences.
- × Cost implication for keepers, for registration/licensing and permanent marking of individual animals.
- × Cost to local authorities for running scheme higher than registration, but see above.

14. Conclusions

Primates are highly complex, intelligent, and self-aware animals capable of experiencing pain, suffering and distress (see Section 3). Recreating a suitable environment for these animals in captivity is very difficult and even zoos, with all the resources and expertise they have at their disposal, find this difficult⁹². Clearly, meeting the needs of primates in captivity is far from straightforward.

This concern is borne out by records collated by the RSPCA and Wild Futures that show welfare problems in pet primates are common, and likely result from a lack of knowledge and resources on the part of private primate keepers (see Sections 7 and 8).

Currently, legal protection for pet primates is scant (see Section 4); in this respect the UK lags well behind many countries that already restrict or ban the keeping of pet primates (Section 12). Even data on the number of pet primates held in the UK is lacking, but we estimate the number lies somewhere between 3,700 and 11,000 animals (see Section 5). Notably, the species we believe is most commonly kept – marmosets – carries no licensing requirement, making it near impossible to estimate how many are kept as pets in the UK, let alone identify where they are. Similarly, monitoring the sale of primates is currently an impossible task, with most deals likely taking place out of public view (see Section 6).

Concern about primates kept as pets comes not only from welfare organisations but also from the UK public (Section 10) and professionals devoted to the study, conservation and care of primates; many eminent primatologists, high-ranking zoo professionals and primate rescue workers have united to support our call for a restriction on primate keeping (Section 11). Many people the RSPCA and Wild Futures have spoken to during the course of this study were surprised and concerned at the current lack of regulation, particularly given the UK's reputation for setting high standards of animal welfare.

The UK government has already recognised the special status of primates, yet it risks failing to provide the necessary legal framework to provide adequate protection. We recognise that a code of practice has the potential, through its use in prosecutions of the AWA welfare offence, to contribute towards raising the standard of primate keeping. However, it will not prevent primates being kept as pets. Anyone could still acquire and keep a primate as a pet and would only be called to account if their failure to meet standards set out in the code was detected by enforcement authorities and this resulted in a successful prosecution.

Therefore, in addition to a code of practice, we believe there should be a legal restriction on who is permitted to keep primates such that only "specialist keepers", defined as someone who keeps primates for the purposes of conservation or sanctuary (Section 15.1). This should be supported by a high quality code of practice and a licensing or registration scheme. It is only then that the government's intention of restricting the keeping of primates to specialists would be both feasible and enforceable.

⁹² A search using the internet library search engine Google Scholar on 30.10.08 identified over 100 publications on primate physical abnormalities, rickets and other welfare problems in primates held in zoos. These include Vitamin D deficiency, obesity, rickets, self-injurious behaviours and stereotypies. Four searches were conducted using the terms: welfare problem primate zoo; primate welfare zoo; primate zoo physical abnormalities; primate zoo rickets. The first eight or all pages of results were viewed.

15. Appendix

15.1 Sign-on statement

As a group, primates are recognised as being highly intelligent animals with complex emotional and physical needs and capabilities. As such, if they are kept by humans at all it should only be by the most skilled and sympathetic carers. Such people must be able to demonstrate a purpose to keeping them beyond simply a need for companionship or as an interesting hobby. That purpose should be nothing less than the protection of the species or of the welfare of the individual.

We strongly support legislation being passed in the United Kingdom to restrict the private ownership of primates to purposes other than pet ownership, namely species conservation or the care of animals, by sanctuaries and individuals to whom sanctuaries re-home animals, as a result of their abandonment, neglect, maltreatment or injury. In relation to private ownership for conservation, only species for which a genuine conservation need has been recognised would be able to be kept. It is acknowledged that not all professionally recognised controlled breeding programmes admit private individuals. Nevertheless, if private individuals were able to participate in such programmes, this could be a permitted purpose for private primate ownership.

All those keeping primates for a permitted purpose should follow a government endorsed, detailed, species-appropriate code of practice.