



Environment, Food and Rural Affairs Committee

Oral evidence: [Primates as Pets](#), HC 984

Wednesday 5 February 2014

Ordered by the House of Commons to be published on 5 February 2014.

Written evidence from witnesses:

- [Rachel Hevesi](#), Director, Wild Futures
- [Ros Clubb](#), RSPCA
- [Dr Alison Cronin](#), Director, Monkey World
- [Andrew Greenwood](#), British Veterinary Zoological Society
- [Dr Lisa Riley](#), Primatologist and independent consultant in animal welfare
- [Lord De Mauley](#), Parliamentary Under-Secretary, Department for Environment, Food and Rural Affairs

[Watch the meeting](#)

Members present: Miss Anne McIntosh (Chair); Jim Fitzpatrick, Mrs Mary Glindon, Mrs Emma Lewell-Buck, Iain McKenzie, Sheryll Murray, Neil Parish, Roger Williams

Questions [1-80]

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

Q1 Chair: Good afternoon and welcome. Thank you very much indeed for participating in our evidence session for the inquiry into what I should describe as “non-human primates”, which I say for the first time. Would each of you like to introduce yourselves and say who you are and where you are from?

Rachel Hevesi: I am Rachel Hevesi from Wild Futures, which is a primate conservation and welfare charity with a sanctuary in Cornwall. I am also a board member of the European Alliance of Rescue centres and Sanctuaries.

Ros Clubb: I am Ros Clubb. I am a senior scientific officer in the Wildlife Department of the RSPCA.

Mike Seton: I am Mike Seton, senior veterinary officer for the City of London. We do local authority work on behalf of a number of the London boroughs.

Sheryll Murray: I need to declare an interest, madam Chair. I have adopted Donkey the monkey from Wild Futures, and my partner has adopted Frosty from Wild Futures. I also

should mention that I introduced a 10-minute rule Bill in 2010 calling for the banning of primates as pets.

Q2 Chair: The first question is whether there is any particular reason why there are no accurate figures for the number of primates kept as pets in the UK?

Ros Clubb: If I could start off on that, the main reason is the lack of regulation, in that there is no requirement to have a licence for most primates that are kept. Of those that do require a licence under the Dangerous Wild Animals Act, most owners do not actually have one. There is no paper trail or central database. We have to estimate the number that are kept based on the data that are out there.

Q3 Chair: How do you reach a realistic estimate? How did you reach the figure we have been reading in the evidence?

Ros Clubb: I could perhaps talk you through the calculation to reach that. The data are derived from figures that Wild Futures has obtained through freedom of information requests to local authorities on primates kept under the Dangerous Wild Animals Act. The latest figures are from 2012, which show that at least 339 primates were licensed. That is an absolute minimum, because there are inaccuracies in the way that was reported. We added an extra 33%, because we know that the species that were de-listed in 2007, which were squirrel monkeys and tamarins, comprised about a third of the population at that time, which brings us to 451.

Previous work reviewing the effectiveness of the Dangerous Wild Animals Act suggests that this probably represents as little as 5% to 15% of the primates that are out there that do require licensing, which brings us to the region of 3,000 to 9,000 primates. That does not account for species that have never required licensing, which includes marmosets, which we think are the most commonly kept. It is our best guess of how many primates are out there, but we think it is probably a reasonable estimate.

Q4 Chair: It is very much an estimate on the basis of figures where a licence has been applied for under that Act?

Ros Clubb: Yes.

Chair: It is very much a guesstimate?

Ros Clubb: Yes.

Rachel Hevesi: To some extent, it is also borne out by the non-compliance rate. Of those animals that arrive at the Wild Futures Monkey Sanctuary, about 82% have never been licensed or were not licensed at some stage.

Q5 Chair: Do you ever rely on anybody shopping their neighbour or saying that their neighbour has suddenly produced a monkey as a pet that they never had before?

Rachel Hevesi: That is a very common way that we find out about otherwise unknown animals, yes.

Q6 Chair: Has the trade in primates as pets grown? To what would you attribute that? How can you prove that the trade has grown in the last few years, if you believe it has?

Ros Clubb: One is a general impression of increased availability through the internet, which is a major concern, but also the data that were collected by Wild Futures show an increase of 21% in licensed primates since 2009. In addition, the number of calls the

RSPCA has received about primates kept as pets has shown a big increase between 2012 and 2013—about 73%. All those things combined suggest that there is an increasing problem with this.

Q7 Chair: Is it an increase in the total number of animals coming into the country or the total number of people keeping primates as pets?

Ros Clubb: It is probably an increase in the number of people keeping primates as pets. The general impression that we get is that the majority are not being brought into the country, although that does occur. There is certainly breeding within the country that is leading to an increase in the numbers kept.

Q8 Chair: Why is it becoming more popular? Why do you think the trade is increasing in the country?

Ros Clubb: There are a number of issues. One factor is the de-listing of some species from the Dangerous Wild Animals Act in 2007 and another is the increased general availability through internet trade. We seem to be finding a lot of adverts on social media sites and even in classified ads on the internet. It is also probably coupled with a general increasing trend towards exotic pets and a general interest in keeping more unusual, exotic pets, which probably is a factor as well.

Q9 Chair: Is it possible to monitor the internet as a way of dealing with this? If there were to be a change in the regulation, would monitoring the internet be a good way of policing?

Ros Clubb: It is going to be incredibly difficult. Monitoring it is known to be a real concern, and that applies to many species. A range of different websites are involved. It is possible to do some sort of scans and perhaps communicate that to service providers, but, in terms of that being a solution, it is not going to solve the problem.

Rachel Hevesi: In Belgium, where they have effectively banned both the trade in pet primates and the keeping, it is illegal to advertise or trade. They have actually found that the public have been extremely useful in monitoring. Because what is legal and what is not are very clear, it is very easy for the public to report any advertising or trade that is apparent on the internet. They have found that it is a very useful tool and a very good way of policing things.

Chair: Is that the one country that has the negative list?

Rachel Hevesi: It is a positive list.

Chair: A positive list.

Rachel Hevesi: Yes.

Q10 Jim Fitzpatrick: Could I pick up on one of your answers? I think I heard you correctly; forgive me if I have got it wrong. You said there was about a 73% increase in reporting to the RSPCA, which seems a very accurate estimate; have you got an idea of what the cause of that was? Was it because the animals were ageing and becoming more difficult? Was it the cost-of-living crisis? Did people just want to offload? Is there a reason for the increase in the RSPCA getting involved?

Ros Clubb: We do not really know the exact reasons for the increase. It could be that there has just been an increase in availability of primates in terms of the numbers kept. It could also be related to the fact there have been several high-profile prosecutions and

cases involving primates, which could contribute to that. However, we do not really have a firm idea about that.

Q11 Chair: Mr Seton, you seem to be getting off very lightly. Could I just ask how often someone who is keeping a primate as a pet would present the pet to you?

Mike Seton: Some local authorities are quite keen on enforcing the Dangerous Wild Animals Act. There are a very small number of licensed non-human primates in London. It is very small and it has not shown any increase over the last 15 years I have been doing those licences in London.

Almost certainly, there is a large underreporting of animals under the Dangerous Wild Animals Act. There are two reasons. One is the cost of a licence is off-putting to a lot of applicants and there will always be an under-application on any licence if people think they can avoid it easily, and at the moment they probably can avoid it very easily. Intelligence that comes to us does not really suggest there has been a great increase in primates. I have had a case in the last three months where we were involved with the Met Police because somebody reported a monkey in a flat in East London. At the end of the day, it was a marmoset so it was quite legal, but there has not been a large increase in numbers.

Q12 Sheryll Murray: Can I first say that I really hope that Wild Futures has not suffered too much from the recent storms? I know that it takes a lot of your valuable money to repair the home when we get these dreadful weather conditions.

Turning to the existing regulatory framework, how much does it take account of the welfare needs of primates? Could you just tell us whether it is suitable for an animal that is perhaps used to living in the wild to live in captivity and what effects that has on the animal itself?

Rachel Hevesi: That gives us a chance to address a fundamental principle, which is that dealing with a wild animal with very complex social, psychological and evolutionary requirements is very different from dealing with cats, dogs and domesticated animals that have been proven to live quite happily with people. Although you may get bad owners of those, you would not ban the keeping of those domesticated animals, because we know the potential is good, whereas with primates that potential is not there. In scientific literature and to those working in the field with primates first-hand, it is well known that they find it very difficult to adapt to a life in captivity. Therefore, in trying to apply the existing regulations, they will always fall short.

There are various options available; we have already mentioned the DWAA, which deals with human safety rather than with animal welfare. That in itself is a problem. We then move onto the Animal Welfare Act and the associated code of practice. We find it is not sufficient, because you are never going to address the inherent problem of primates' needs.

I could perhaps give you an example of a couple of monkeys we know of. For instance, we have an individual in South Buckinghamshire who applied for a CITES permit to import two monkeys from the United States. Immediately those monkeys are compromised, because they were taken as youngsters from their mother. That damage done to them is lifelong, and it is not addressed at that stage. The individual then quarantined those monkeys at her home. There was a DWA licence issued for those individuals, but that addresses human safety. The vet who had to address that only has to

address the DWA Act, not the rest of it. It is not joined-up legislation, so it does not then properly address the AWA issues and the code of practice, although it is there.

Those were two monkeys living on their own. They were hand-reared and eventually, in fact, they were issued with a performing animals licence. It shows that at every level possible those individuals have been failed and, as a species, they are never going to be enabled to live a proper life.

Q13 Sheryll Murray: Could all three of you very briefly sum up what gaps there are in the current regulatory framework and how you suggest these could be filled, or if they could be filled?

Mike Seton: One of the gaps is this hole that appears between the species that are listed in the Dangerous Wild Animals Act and those that are not listed. For the small non-human primates—the marmosets and the squirrel monkeys—that can be kept, there is no regulatory framework; there is no application or registration. You have a totally unknown population; as we have heard, the figures are very much guesstimates. That is the area that concerns me most, because I believe you can actually put conditions on the DWA licences to ensure the welfare is not compromised.

I accept your point about bringing in animals that are hand-reared in this country out of a social group, and there are major risks there. However, there is scope in the DWA to attach suitable conditions and remind people that they have to comply with the Animal Welfare Act and the code of practice. I see no difficulty in a local authority adding those conditions.

Q14 Sheryll Murray: Do you think there is enough expertise within the local authorities for them to be able to enforce the current legislation?

Mike Seton: Most local authorities will buy in their expertise. They will contact one of the recognised veterinary practices that specialises in zoo animals. Very few of them would try to deal with it themselves; it needs a veterinary report anyway. There is the expertise there, and through the local authority groups, that expertise can be developed and people can be reminded of their legal responsibilities as a local authority.

Ros Clubb: Following on from that point, even by adding the species that currently are not covered by the Dangerous Wild Animals Act, I still cannot see that addressing the problem, because there is this very high level of non-compliance. Local authorities are already very cash-strapped and it is going to push their resources to the limit. We know they are licensing single primates, for instance, which is a fundamental welfare problem, let alone inspecting issues to do with suitable environment, diet and enrichment and so forth, with which you have to provide these animals. Even with the best will in the world, the Dangerous Wild Animals Act is not going to cover it. Really, the only way to get round it is to stop it happening in the first place—to turn off the tap so that these animals do not have to go through this and to stop it at the source—and prohibit keeping them in household environments.

Rachel Hevesi: I would concur with that and, if you are interested, we do have plenty of evidence, which perhaps I could hand over later, showing how appropriately qualified vets are still in very short supply. Vets are not generally qualified to deal with primates. Even those who have been brought in from outside have recommended certain husbandry guidance that has caused irrevocable damage to individuals.

Q15 Mrs Lewell-Buck: All three of you have touched on issues around the code of practice already, but I am curious: if there was one thing on each of your wish lists that you could clarify in that code of practice or make stronger, what would that be?

Mike Seton: I would like to see an absolute minimum of registration, so that we know the numbers and we have some handle on what the population is, which would help. You would still have non-compliance and non-reporting.

Ros Clubb: One issue with the code is it is far too generalist, in that it covers a very wide range of species with a very wide range of needs. The fundamental issue is that it has no teeth; it is guidance only. It leaves a great deal up to interpretation.

Rachel Hevesi: Mine would be very similar to that. We come down to interpretation. It takes an expert to understand what is required by the code. There is such a huge variety of species of primate that one code cannot possibly cover all those individual requirements. We are potentially talking about 300 species of primate.

Q16 Mrs Lewell-Buck: Should there be something somewhere, perhaps in the code, that makes it explicit that you need to seek further expert opinion?

Rachel Hevesi: That is already recommended in the code.

Mrs Lewell-Buck: It needs to be strengthened?

Rachel Hevesi: It is so complex and it requires so many resources, both financially and in terms of people, that I cannot see how that would work, except by restricting keeping to specialist keepers who are either working for the welfare of rescued animals—for instance, in sanctuaries—or in conservation. In our opinion, the only way that is possible is basically recognising that, in this country today, the place for that is in zoos, where there is a broader remit and a justification for keeping these very specialised animals with their particular needs. It has to be for either welfare or conservation.

Chair: Could I just say that our colleague Richard Drax was hoping to be here this afternoon, but he has been called away due to flooding in his constituency? Margaret Ritchie has been prevented from joining us, because she is still travelling. They send their apologies.

Q17 Jim Fitzpatrick: You have almost answered the questions I wanted to ask in the answers before last, which were around whether the risks to the welfare of primates justify a ban on private responsible keepers or whether only zoos should be licensed to look after these animals. Mr Seton, you said you think that conditions could be attached to the DWA that could make it better and therefore workable, whereas, ladies, you thought only prohibition would work. Am I mishearing you or are those basically the position you adopt on these questions about individual ownership as opposed to zoos being responsible?

Mike Seton: I still believe there is a possibility that you can have a specialist individual who is committed and dedicated; should they be totally precluded from keeping a primate? I find that difficult. If the right person and the right conditions are put in place, they do follow the codes, and they have the expertise and the skills, I would have thought somebody should be allowed to keep a social group of primates. That would be my standpoint.

Ros Clubb: You have interpreted our position correctly, in that we do not think it is possible to keep a primate and meet its needs in a household environment. That should

not be allowed to occur, and that is the conclusion that has been reached by several European countries already, in that keeping a primate purely for companionship or interest is not in the animal's best interest, but, when it comes to sanctuary or conservation, for instance, as long as there is oversight of that, it is acceptable.

Q18 Jim Fitzpatrick: Which other European countries have banned this? I heard Belgium earlier.

Ros Clubb: Belgium, Bulgaria, Latvia and Hungary have banned it.

Rachel Hevesi: Lithuania, Greece, Italy and parts of Spain have also banned it. There are 13 European countries—and more outside the EU as well—which have banned or limited the keeping of primates. There is a precedent there.

One of the reasons we would like to see a ban and restrictions is also about public education and clarity of message. The general public can understand the principle that there are certain animals that only certain institutions should be allowed to keep—to prevent the suffering of the majority, even if a very small number of people could provide a certain standard of care. In the way we would like to present things, banning with a grandfather clause, recognising the resulting need for sanctuary for many monkeys, this could actually be an opportunity for certain specialist keepers to help solve the very problem that is out there. If the motivation for keeping primates is primarily the welfare of those primates, as enshrined in the Animal Welfare Act, that is then a chance to contribute.

Q19 Mr Williams: If there were a ban on keeping primates, could the welfare of certain primates be further compromised by them being held underground, so to speak? I do not mean that literally, but outside the view of the regulators?

Mike Seton: Without a doubt.

Ros Clubb: They are outwith the view of regulators at the moment in the vast majority of cases. For instance, with Belgium's ban, they have had great success in the reporting of illegally kept primates, because the message is clear.

Q20 Mr Williams: If there were a ban, how effective could we be in regulating and maintaining that ban? Who would be put in charge of that? Would it be local authorities, the police or the RSPCA?

Ros Clubb: In terms of enforcement, ideally it would be a centrally held responsibility. The register for those currently keeping primates would ideally be centrally held. Those animals would be identified and be able to be kept for the remainder of their life, after which there would be no further primates allowed.

Q21 Mr Williams: Rachel, you will be aware of Cefn-yr-Erw Primate Sanctuary in my constituency. They took in primates when another wildlife park closed down. I learnt that lately they have been advertising baby chimpanzees for sale. Should sanctuaries be allowing that or doing that? It seems not to be very good practice.

Rachel Hevesi: No, absolutely not. We are asking for an ending of the trade and the keeping.

Mike Seton: If I could interject there, there is a confusion over the word "sanctuary" very often. It falls between all sorts of stools and manages to slip out of the DWA. Some local

authorities think sanctuaries are exempt, which is an incorrect interpretation. Sanctuaries are a very tricky concept in this country at the moment.

Rachel Hevesi: They are easily abused.

Mike Seton: Yes.

Mr Williams: I must clarify that I could not tell what date that advert was put on the internet. When I tried to follow it through, it said it had been subsequently taken off the internet.

Q22 Chair: Does the code of practice apply in all parts of the United Kingdom?

Mike Seton: No.

Q23 Chair: If the code of practice does not apply in all parts of the United Kingdom, would a proposed ban apply in all parts of the United Kingdom, in your view?

Ros Clubb: That would be the ideal scenario, absolutely, but it would be up to the devolved Administrations to decide whether they also wanted to take that action.

Rachel Hevesi: On the issue of having the same legislation across the UK, it is also helpful to try to create a level playing field across Europe. Although international trade is minimal, it does exist. We are sending out the message that it is okay to have primates in this country. We have a monkey at the sanctuary who was deliberately imported here from a country where it was illegal, in order for the monkey to be kept in this country.

Q24 Chair: On human health, are you worried that viruses can pass between certain primates and humans? If you are concerned, would that be another reason for a ban?

Mike Seton: The public health risks, although they would be significant if they occurred, are very small. That would be the stance that public-health groups would take. There is not a significant risk to public health.

Chair: You have been extremely generous. We have two other panels of witnesses to come. Thank you all very much indeed for being with us. Thank you for your written evidence as well; it was very powerful.

Examination of Witnesses

Witnesses: **Dr Alison Cronin**, Director, Monkey World, **Andrew Greenwood**, British Veterinary Zoological Society, and **Dr Lisa Riley**, Primatologist and independent consultant in animal welfare, gave evidence.

Q25 Chair: Can I welcome you very warmly? As a little bit of housekeeping, we are expecting a vote. As far as possible, we hope to accommodate your evidence before the vote is called, so that we can then proceed to the next panel afterwards. Could I thank you very much for participating and ask each of you to introduce yourselves and give your positions for the record?

Dr Cronin: I am Dr Alison Cronin. I am the director of Monkey World Ape Rescue Centre in Dorset.

Andrew Greenwood: My name is Andrew Greenwood. I am from the International Zoo Veterinary Group and I am representing the British Veterinary Zoological Society, which is a division of the BVA. My organisation is the one that actually did the effectiveness review of the DWA in 2001 for Defra.

Dr Riley: I am Dr Lisa Riley, an independent animal welfare consultant and a specialist in primate cognition and welfare. I also currently lecture at Sparsholt College Hampshire.

Q26 Chair: How would you describe the current problems with the existing trade of primates in the United Kingdom?

Dr Cronin: It is growing exponentially, in our experience. Monkey World is the organisation here today that has the longest-standing experience in the trade in primates kept as pets in this country and with the owners, breeders and dealers. We have been taking in primates from this trade for more than 20 years; I think it is 23 years. We have brought in 78 monkeys. Within the last two years, however, 26 of those 78 monkeys have come to us. What we are seeing is an exponential increase of the trade in the last five years.

As colleagues on the previous panel mentioned, most of that trade seems to be coming in the de-listed species that are commonly purchased over the counter at a pet shop, like you would a goldfish or a budgie. These primates, who have very specialist needs, are being bought and sold to grandmothers, to young lads and even to children, because there is absolutely no regulation currently governing their breeding, their distribution, their sale and their care thereafter. It is a huge and significant problem for us.

Q27 Chair: How accurate a picture do we have of the trade at the moment? How do we know that all the trade is being reported?

Dr Cronin: It is very clear that all of the trade is not being reported.

Chair: I am sorry to press you, but what is the problem with trade? If it is legal, what is the problem with the trade at the moment? This is what we are trying to get our head around.

Dr Cronin: What I found very interesting is that so far seemingly nobody, other than ourselves at Monkey World, has alluded to the significant problems of fraudulent adverts. Your chimpanzee advert—I have a stack of them here with me today—is indeed a fraudulent advert. Well-meaning members of the British public are having their hard-earned cash taken away from them under fraudulent understandings. Breeders, dealers and pet shops are often telling people that they make lovely pets, that they are nappy-trained, that they can live as a member of the family or that they are friendly with children and other pet animals, and it simply is not true. They have very specialist needs that are not passed on to the people buying these animals. It is a significant problem for well-meaning members of the British public as well, who call us up, terribly upset.

Dr Riley: Regarding the trade, because it is mostly private people who are advertising, particularly on the internet, they pass on bad practice because they are unaware of the welfare needs of the pet. It is that transmission of bad information, such as, “It is easy to care for”, as Dr Cronin was saying. It does not just apply to the dealers, which is a significant issue; it is that private point of sale that is completely unregulated.

Q28 Chair: Could you help us by suggesting how we might get over the difficulties of getting a true picture of what the trade is?

Dr Riley: Some sort of independent research needs to be commissioned in that. If you google “monkey for sale in the UK”, it is clear there is a huge problem and vast availability, particularly of deregulated species and marmosets. There needs to be some large-scale survey work done.

Q29 Chair: Who would be best placed to do it?

Dr Riley: That would be for the Committee to find, but, potentially, it should be someone independent: a researcher in the field or an academic.

Andrew Greenwood: Can I just put our point of view about the numbers issue and the trade issue? You will have read the BVZS’s submission. Essentially, we are in agreement with Dr Cronin and Defra itself: we would like to prevent people from keeping primates in the style of pets, which was Defra’s definition.

Chair: At the moment, we are talking about trade.

Andrew Greenwood: I know. In terms of numbers, having done this effectiveness study in 2001, the numbers are way overestimated, possibly by a factor of 10. The numbers of primates in this country is probably fewer than 1,000. We have had figures cited of up to 9,000; they are completely out of the air. A lot of it is based on the idea that there is non-compliance and the trade would go around this non-compliant area and also around the area of animals that were de-listed or were never listed, like marmosets. We too have looked at the advertising and, if you just pull off a strip of UK listings and look at them very carefully, a lot of them are repetitive; a lot of them are direct copies of American advertising. They talk about monkeys in diapers.

Dr Cronin: These are the fraudulent ones.

Andrew Greenwood: Yes. It is actually not as big as it looks. Our practice has been looking after these animals for 40 years, and our impression—and that of our other colleagues in the BVZS—is that this is not nearly as big as people think it is. That does not mean it is not bad, but it is not nearly as big.

Dr Riley: That is why an independent survey is required.

Q30 Iain McKenzie: Mr Greenwood, you said there were fewer than 1,000 primates traded; would that be per year?

Andrew Greenwood: No, the total number in private hands.

Iain McKenzie: The total number of primates kept as pets is 1,000, but you do not have a timescale that has transpired in. Did it take five years to get to that 1,000 primates in private hands or did that transpire over three years? What is the timescale?

Andrew Greenwood: There is no timescale. It has always been like that, because there is an attrition rate as well as a birth rate.

Iain McKenzie: What you are saying is that at any one time there are just under 1,000 primates kept as pets in private hands?

Andrew Greenwood: I would have thought that now, at this point, there would not be more. When we did the review, there were fewer.

Q31 Iain McKenzie: My second question is: what is the value of that market to traders? Could you give us an idea of the individual price of a primate?

Dr Cronin: Take a common marmoset, which is one of the species we are talking about that is most common in the trade. Ten years ago, a male was selling for £300 and a female perhaps for £500. Within the last five years, regardless of sex, it has gone up to £1,200. There is a little bit of counterintuitive economics going on here. Probably, the numbers of animals in the trade is higher than what Andrew is estimating, simply due to how commonly and frequently we are getting calls in to Monkey World saying, “Gosh, please help”. I know we see only the tip of the iceberg. Yet at the same time, you would think if the market was flooded with more animals the price might go down; it is not. It is just going up. It is because of social media sites and the ease and availability of internet purchase. It is being made readily available for young men who want to look hip and cool down at the pub, taking a monkey on a lead or on their shoulder. We prosecuted a case a couple of weeks ago for just that in Portsmouth; this man should never have been able to purchase a marmoset, in my opinion. He was ill-equipped. He was not a terrible person—questionable, it has to be said. At the same time, a lot of well-meaning people are getting caught.

Q32 Sheryll Murray: Madam Chair, I will try to be very quick, because I know we are short on time. The first thing is this: how much does the existing regulatory framework take account of the welfare needs of primates? Whether there are 1,000 or 10,000, surely we should be looking at the welfare of these primates. Could you answer that? Could you also please let me know if there are any gaps in the present regulatory framework and how you think these could be filled? If you could be brief, we have a lot to get through. If I can start with Dr Riley and move along.

Dr Riley: It was established by the three previous colleagues that the DWA is ineffective; non-compliance is high. The welfare content of the DWA is small; it is focused on keeping humans safe. It does say, in a few sentences, that welfare needs to be considered, in that the environment has to be suitable, in terms of such things as light, temperature and ventilation.

Q33 Sheryll Murray: Could you expand upon whether you think people are able to keep primates as pets in the same way as other domestic animals?

Dr Riley: As a pet, no, I do not. A primate is completely unsuitable to be in a pet situation. They are wild animals. There has been no process of selective breeding or domestication for these animals. They are being bred in captivity. The trade into the country is an issue. There is an established breeding population, particularly for marmosets. However, given that they are complex in their cognition and intelligence, and the social and physical environment they need, it is not just about providing a cage that is secure, well ventilated and clean. The primate has to be intellectually stimulated for welfare to be maintained. That is the biggest restriction in what is out there now.

The code of practice is completely ineffective. It takes an expert to try to decipher it. For the layperson out there, who has just purchased a primate off the internet, getting 50 pages of generalised information that is not relevant to a particular species is not helpful. For example, a marmoset should be fed on gum substitutes; they are specialist gum feeders. In

the wild, most of their diet would be gum and exudates from trees, but also insects and fruit. I have worked on cases in the past where people have interpreted that to mean that you can feed Ribena to a marmoset, because it is a sap-like, sugary product they can lap up. If you fed a child high-sugar concentrates like that constantly, they would have dental problems, obesity problems and diabetes, and that is what you see in primates.

Andrew Greenwood: We have the Dangerous Wild Animals Act to cover those primates that are covered by that, and there are not many species of primates that are not covered. The inspection and licensing regime does have an aspect of attention to welfare.

The problem, as was pointed out by one of the previous witnesses, is that local authorities do not have to choose somebody who has experience in the field to do their inspections. We at BVZS have tried to pressure Defra to ask local authorities to use people off the zoo-licensing inspectors list and people who have diplomas in zoo and wildlife medicine, of which we have quite a lot. There are quite a lot of people who could do the job properly.

Q34 Sheryll Murray: Can I press you on that? Are these experts available nationally throughout the country?

Andrew Greenwood: Yes, they are scattered around the country. Most local authorities—especially as they are only licensing every two years now, so the cost brought to bear on the owner is not so high—will call me up to go on two or three-hour drives to go and do these. It is not a question of not being able to find somebody. However, if local authorities have contracted somebody to do their other inspections, they tend to give them that, too.

The second thing, which is supplementary to the legislation, is the guidelines that have been suggested. I rather agree with what has been said about those, but they are there. The gap we are waiting to be filled with the DWA is actually from Defra, which has been promising guidelines for local authorities on how to properly administer DWA for quite a lot time. We are pressing them to actually get them out there.

Q35 Sheryll Murray: Is the two-year inspection regime sufficient? Secondly, when local authorities choose how to spend their limited budget, will they be reluctant to ask experts to carry out these inspections?

Andrew Greenwood: The cost of the inspection is paid by the owner; it is supposed to be cost-neutral in terms of what the local authority charges, but the veterinary fees for inspection are added on. That could be several hundred pounds. There was a thought that some local authorities were trying to use the cost to stop people doing it. The DWA is simply a registration Act; it is not a banning Act, and it was never intended to be.

Dr Cronin: I will try to be succinct. In terms of gaps in the code of practice, as mentioned earlier, it has no teeth; there is no way of enforcing it. It does not cover the full trade, from beginning to end. It does not cover breeders and what they do, what age they can remove animals from the mother's care in order to pass that animal onto another individual. It does not cover how you transport those animals across the country when somebody buys it off the internet. It does not even cover who is considered a breeder from their private home. As I understand it, right now there is no legislation dictating how many marmosets you have to sell from your household before you have to get a pet-shop licence.

All of these are very grey areas, meaning that the whole aspect of the trade is not covered. We have very basic recommendations that are hard for a lay person to apply to any one of more than 300 different species of primate the guidance could be covering. It is a bit of a nonsense in that sense. I have gone on numerous cases with both RSPCA inspectors and with local authority inspectors holding their code of conduct book, stood in front of it, saying, “There is the monkey”, and not being able to work out what the rest of it means. It really is a bit of a problem, both in application as well as for the monkeys and the law enforcement agencies. It is a problem.

Q36 Mrs Glindon: I would like to move onto the actual code of practice. In what ways does the current code of practice fall short? How could it be improved?

Dr Cronin: What I just said is where it falls short. In terms of how it be improved, Andrew and I have touched on a very similar thing. The highest standard of care for a primate in this country at present is the Zoo Licensing Act. There are currently five—if you include the Animal Welfare Act, six—different laws governing the care of a monkey in this country, which is one for each day of the week. Whether you are in a zoo, a circus, a private home or a pet shop, there are different laws, yet it is the same monkey. It is not a logical argument. The highest duty of care is in the Zoo Licensing Act. If a capuchin monkey in a zoo or wildlife park is deserving of a certain standard of care and has a right to that standard of care, that applies behind the net curtains as well. The monkey remains the same; it does not change; its needs are still the same.

We are not suggesting a ban, but applying a standard and a duty of care that already exists in legislation in this country, with a team of expert inspectors already to hand the length and breadth of the country, which would cut away this problem. It would cut away the unscrupulous breeders and dealers selling marmosets like goldfish. That is the biggest problem. This would be a good step forward in terms of finding a reasonable solution for everybody—for owners, pet shops, local authorities and the Government.

Andrew Greenwood: I cannot disagree with that. It has some defects in the way it is written, but a lot of people who are in this room, including me, were involved in trying to help Defra draw it up. None of these things are ever perfect, but the problem is applying it. It is a bit like the Highway Code. If you are brought before a court because of a traffic accident and you were not obeying the Highway Code, you are not looked on very favourably, but it is not actually law. It is just guidance.

Dr Riley: As a code of practice, nothing is needed, because there should not be a code of practice in that sense. There should be a framework of licensing, where suitably qualified people will make the decision for the owners and can, at that time, educate the owners, although they should have educated themselves. As a standalone document, as it is, it needs to be fragmented and made into species-specific guidance if it is going to remain in place.

Q37 Mrs Glindon: Could the Government do anything to promote the code of practice?

Dr Riley: It is already there; it is already available. In RSPCA cases, people report having got the code of practice. The problem is misinterpretation. There is some evidence suggesting that local authorities are not really aware of the code of practice or what to do with it. If you have a general licensing officer who is put in front of a code of practice specific to primates, where would they begin? As has been discussed before, they would

rely on a veterinary surgeon. Getting a veterinary surgeon who is also a primate expert is a difficult thing to achieve. There are some out there—that is undeniable—but it is difficult for people to realise that a general-practice vet is probably not the vet who is needed for this circumstance.

Q38 Mrs Glindon: There is nothing the Government could insist upon that would make that work better?

Dr Riley: The Government could always issue guidance to local authorities, but, at the end of the day, it is the owner who needs to have that information. Unless they have put themselves through training and experience and volunteered somewhere, so they can consider themselves as experienced in the species they are trying to keep for, let us say, 20 years and trying to manage in a breeding pair—a marmoset can give birth to up to six infants a year; that is a whole other issue with income and sales, as well. However, it is out there; it is freely available on the internet. You can very easily discover it; the interpretation of the document is the key problem.

Dr Cronin: I would add that, in terms of implementing the Zoo Licensing Act, it would be very easy for the Government to issue advice, as Lisa said, to local authorities to employ the inspectors and the known experts in this field of work in licensing situations. Of course, the vast majority of the primates kept in the trade that fall short of the licensing are de-listed. All the marmosets and tamarins would still fall short of that.

Q39 Sheryll Murray: Dr Riley, could the code of practice be amended to ensure that primates' welfare is looked after, if they are kept as pets?

Dr Riley: I do not believe it could. Sections of the code clearly state that, if you keep a primate on its own and you feed it from a bowl, you are potentially committing an offence under the Animal Welfare Act. It is already written there; it is already evident. It relates back to that; it is not ensuring welfare. It is used as a very useful tool in a prosecution case, because it helps identify—for magistrates, for the prosecution or for the defence—where potential offences have occurred under the Animal Welfare Act. However, in terms of ensuring animal welfare, no, it cannot do that.

Q40 Jim Fitzpatrick: You will have heard me ask the same questions to the last panel. Dr Cronin said she was not in favour of a ban, but the universal application of best regulation across the piece. Could you clarify for me whether, on the basis of animal welfare or public health, you think individuals should not be allowed to own and keep these animals, and whether it should just be zoos and sanctuaries that have the opportunity to keep them in the UK? If you could clarify that, I would be very grateful.

Dr Riley: As far as pets go in the traditional sense, of keeping them in your house, there should be a ban. That is on welfare grounds. Public health is an issue, both in terms of zoonosis—the animal transmitting diseases to us—and also anthroponosis, which is us transmitting diseases to them. There is a potential for physical harm to these animals as well. They might be small, but they reach sexual maturity, testosterone takes over and they want to mate and dominate a household. Yes, there should be a ban as far as pets are concerned.

Andrew Greenwood: We certainly do not agree with the keeping of primates in the style of a pet. The people we would support—there are several groups who would be perhaps steamrollered by a ban—are serious private people, specialist keepers or collectors, most of whom are probably covered by the DWA. The largest group of primates kept under

those rules are lemurs, as far as we are aware. They are all Dangerous Wild Animals Act-listed. There are some people keeping marmosets and tamarins, but not so many of them. There are colleges of higher education, which do not have zoo licences, but at least 10 or 15 keep primates, along with reptiles and other things, to teach the students. Occasionally, there are also commercial organisations that keep primates and use them for filming and stuff like that, which keep them under zoo standards.

We do not really want those people to be steamrollered up by this, because they are doing a proper job and most of them relate themselves to zoos very carefully. The trouble with banning something, as experienced with handguns and dangerous dogs, is that it is really difficult to do. If you put in a ban that requires someone to detect the animal, but you do not cut off the source, you cannot control it. There are lots of opportunities that Defra has had to cut off sources, to encourage pet shop licences to have a condition not allowing the sale of primates or DWA animals, which local authorities can put on, and to control advertising.

Defra has asked for a voluntary ban on the internet advertising of primates, but it could maybe go further. In theory, you cannot import any primate into the UK unless you are Balai-approved. That rules out any private individual.

Dr Cronin: What was your original question again? We varied from it.

Jim Fitzpatrick: On the basis of animal welfare or public health, should individuals be prevented from keeping animals? Should zoos/sanctuaries be the only people licensed to do so?

Dr Cronin: Thank you very much. No, I sit somewhere in between everybody on this. I do not believe that there should be a ban.

Jim Fitzpatrick: You said there should be universal application of the best regulations; is that right?

Dr Cronin: That is right. I am looking for the standard of care for the animal. We are all about looking after the welfare of the animals and ensuring the health and safety of members of the public. It is very possible for a person with more money than sense to keep these animals well. There is no doubt about it. In fact, there has been a long history of this and it is often how some of Britain's best zoos and wildlife parks have started—through private individuals starting out small. It is very possible to do, but the state that the trade has gotten to at this point is that monkeys are being sold in birdcages across the counter. It is a problem. Something needs to change.

Q41 Mr Williams: Very briefly, could a ban be implemented and regulated to make it effective? If it was effective, would it lead to a drop in welfare for primates, because they would be kept unregulated?

Dr Cronin: A ban could be implemented; I would disagree with Andrew on this point. Of course, the Government can ban anything and put an infinite amount of time and money behind it. Certainly, however, I would not be so arrogant as to say that we can keep animals to a certain standard in a zoo or wildlife park, but nobody else can. It is just not a logical premise. What has to be ensured is the welfare of the animals. Currently, there is no legislation governing the care and welfare of these animals. It is leaving well-meaning

members of the public to have their money fraudulently taken from them. In the last two years, we have bought in three different animals that were sold as a completely different species.

Andrew Greenwood: Could you repeat the question?

Mr Williams: Could a ban be implemented effectively? If it were, would it lead to the welfare of primates becoming poorer rather than better?

Andrew Greenwood: That would depend. What I said to Mr Fitzpatrick is if we do not control the source, as we never did with handguns, there would then still be millions of them out there undercover. That would be a necessary corollary for any kind of ban to be effective. If it were effective, it would certainly improve the welfare of primates. Yes, it would.

Dr Riley: If you ban private keeping, there is a potential for activity to go on underground, as you put it. An effective ban on pet-keeping could be introduced quite well and establish licensing for specialist keepers. I believe Sections 12 and 13 of the Animal Welfare Act give the power to do that.

Chair: Thank you. Thank you very much indeed on behalf of the Committee for being here and being so generous with your time and answering all our questions.

Examination of Witness

Witnesses: **Lord De Mauley**, Parliamentary Under-Secretary, Defra, and **Sue Ellis**, Deputy Director, Animal Welfare Team, Defra, gave evidence.

Q42 Chair: I am delighted to welcome our Minister responsible for this area, Lord De Mauley. I am delighted you are able to be here as part of our inquiry. Would you like to introduce your colleague?

Lord De Mauley: I am accompanied by Sue Ellis.

Chair: And what is your position, for the record?

Sue Ellis: I am the head of the Animal Welfare Team in Defra.

Q43 Chair: I will start off by asking this: does the code of practice currently apply only in England?

Lord De Mauley: Yes.

Q44 Chair: Is there any particular reason why it applies only in England?

Sue Ellis: The answer is that welfare policy is one of the areas that are devolved to the devolved Administrations, so Defra just looks after welfare policy in England.

Q45 Chair: If the Department was minded to receive recommendations in favour of a ban, would it be the Department's intention to ban the keeping of primates as pets throughout the whole of the United Kingdom?

Lord De Mauley: Could I give you the context before I answer the specific question?

Chair: Yes, of course.

Lord De Mauley: There is a misconception among some members of the public that it is acceptable to keep a primate in a cage, feed it an inappropriate diet and keep it on its own. I would like to make it clear that keeping primates in a domestic setting in isolation, outside a social group and on inappropriate diets is already against the law. It is against the Animal Welfare Act. Indeed, perhaps we might come onto how we get that message out.

Chair: I am sure we will.

Lord De Mauley: Turning to the question of a ban, first, I am not convinced that a complete ban would be proportionate, nor would it be easy to enforce. I also have some concerns that it could lead to unintended consequences. I mentioned keeping primates in a domestic setting, feeding them on inappropriate diets and keeping them alone. It would be extraordinarily difficult to do that under the Animal Welfare Act.

Q46 Chair: Could I pause there? We will come onto the ban later. We have heard conflicting evidence as to how big the problem actually is. Do you have a view in the Department of how extensive the keeping of primates and the trade is?

Lord De Mauley: Yes. I have considered a number of facts in assessing the answer to your question. The sorts of figures quoted by the various charities for the numbers in private ownership seem to range between 2,500 and 7,500. Importantly, those include those with specialist private keepers. They do not by any means all fall into the category of primates kept by people as pets. Andrew Greenwood, who was before you a moment ago, came up with a much smaller number.

Chair: 1,000.

Lord De Mauley: Yes, that is what I heard. Numbers at this sort of level are underlined, for example, by the number of primates being re-homed, at fewer than 20 a year, by the number of people being bitten in the UK, which was two for the period from April to October last year, and by the fact that the RSCPA said they have had seven successful prosecutions since the Act came into force, and it has investigated 258 cases in 10 years. That is my view of the scope of the problem we are talking about.

Q47 Chair: Do you have a view on the evidence for the emotional, social, psychological and physical impacts on primates kept as pets?

Lord De Mauley: I am not a biologist or a scientist, but I am satisfied, as I said earlier, that it would be extraordinarily difficult for it to be legal to keep primates under those circumstances. As a layman, it is difficult for me to go further than that.

Q48 Chair: That is fair enough. We did hear—I do not know if this was shared with you—that there has been a delay in issuing guidance from the Department to local authorities. Would you like to share with us why there has been this delay?

Lord De Mauley: I think that is on the Dangerous Wild Animals Act; am I right?

Chair: It was the Dangerous Wild Animals Act, yes.

Lord De Mauley: All I can say is that we are actively working on that guidance and will expedite it. I will take away the message.

Chair: That is the answer to a different question. The question I asked was about why it has been delayed.

Lord De Mauley: It is going through the usual procedures to get it right.

Q49 Mr Williams: You might have covered this before. Could you tell us exactly how the Government estimates the extent of trade in primates in England or the UK? How concerned are you that you have a model or system for making an accurate estimate?

Lord De Mauley: This is really a question about the trade, which is slightly different to the question I addressed earlier. First, as to imports, in the past five years, December 2008 to 2013, four live primates were reported as being imported into the UK from outside the EU for personal purposes; there were three in 2010 and one in 2011. Two of those four animals were imported by an animal sanctuary. Imports of wild-taken primates are subject to particularly rigorous control under the CITES system.

As regards border controls, there are procedures under which primates have to go to specific points of entry and they are quarantined as appropriate, and so on. There are pretty rigorous border-control procedures. You may ask me, “What about illegal imports?” The law is very clear. There are border-force controls. They have to operate on an intelligence-led basis and follow a risk-based system. If people have evidence of imports, they should report them. I am not aware of public suggestions that there is a widespread problem with that.

Q50 Mr Williams: What about internal trade in the country itself?

Lord De Mauley: Again, I am not aware of a widespread problem. The place where it would become apparent is through advertising. We have discussed irresponsible advertising of pet animals with the Pet Advertising Advisory Group, which has been lobbying operators and internet sites to adopt minimum standards for advertising pet animals and they will continue to press others to adopt them. We would endorse those standards.

The major websites, many of which I have met, have cooperated with the charities; they have independent moderators who monitor their sites and take down inappropriate advertisements. Certainly, primates would be regarded as inappropriate advertisements. That is my answer to that point.

Q51 Mr Williams: You say you attempt to get this measured by looking at adverts; what is the conclusion of that?

Lord De Mauley: It is quite difficult, because I understand that there are quite a lot of bogus adverts; in fact, I suspect the majority of adverts are bogus and designed to defraud people. As I say, it is quite difficult to get a handle on an accurate number.

Q52 Mrs Glendon: Lord De Mauley, could I press a little further on adverts? From what you have said, do you really believe the Government is doing enough to regulate the trading of primates, especially on the internet?

Lord De Mauley: It might be worth adding, in the context of Mr Williams’ question, that I noticed the ADI’s evidence to you says that one report found relatively small numbers of primates available in pet shops, wildlife classified ads and over the internet. The danger with trying to regulate too hard is that one essentially forces the websites overseas, where

they can still advertise things in this country, but we cannot get hold of them and bear down on them.

On the other hand, adopting a voluntary approach and really working with these shops—we are trying to do this; PAAG, the Pet Advertising Advisory Group, are working really hard on this and are showing some progress—is a much better way to get on top of the problem.

Q53 Mrs Glendon: You said that the keeping a primate as a pet in a domestic setting would likely be a breach of the Animal Welfare Act 2006. However, the adverts themselves, as they are now, do seem to promote primates as pets; how do you reconcile that? The very fact that the adverts are advertising them as pets means that the Act really is not being enforced sufficiently.

Lord De Mauley: I am not sure I necessarily agree with that. A high proportion of these ads are actually bogus, but, to the extent that they are genuine, the major websites I am in touch with—there are seven or eight of them—take those adverts down when they are reported to them.

Q54 Jim Fitzpatrick: In terms of the animals that do come into the country, obviously the illegally imported animals are under the radar; it is very difficult to work out how they are arriving. In terms of the animals coming in legally and what evidence there is about them, are they coming in by air, sea, Eurostar or in individual vehicles? Is there any favourite route into the country? Is there any information on that?

Lord De Mauley: I am not aware of the answer to that. I can look into it for you.

Sue Ellis: If there are any primates coming in to the country, they do have to go through rabies control points, and there are only a limited number of those available. They do have to come through designated control points complete with health certification, etc.

Q55 Chair: Could I ask one question from the evidence session we heard earlier? There appears to be a lack of proper research and knowledge as to the numbers of non-human primates both held as pets and in trade. It was put to us that there was scope for independent research in this regard. Would you agree that that would possibly be a good idea? Obviously, it would probably be overseen by the Department; however, do you have an idea about who would be the best body to conduct such research?

Lord De Mauley: As I have already explained to you, my understanding of the scope of the problem is that the numbers we are talking about are approximately one primate for every 8,000 people in the population of this country. That compares with, for instance, one dog for every eight people. I have to be mindful of getting this issue in proportion. I am doubtful that it would be a good use of resources to carry out a detailed survey. It would be an exercise fraught with practical difficulties, and it would be expensive to get anything near a reliable figure. Given the size of the problem, as suggested by the majority of the welfare charities, it would be difficult to justify it.

Q56 Chair: To be absolutely clear, you are saying, hand on heart, that you are confident that you know both the number of primates currently, of all shapes and sizes, being held as pets in this country and, hand on heart, you can say you are confident you know the number of primates, of all shapes and sizes, coming into this country in trade?

Lord De Mauley: I certainly did not say that about how many there are here. I specifically said that we understand, from the numbers provided by the various charities, that there are

between 2,500 and 7,500. I do not know the exact number, but, given that sort of scope of the problem, when you compare it with some of the really big issues in animal welfare that we must address, it is difficult to put it as a top priority.

As regards imports, we do have good figures for those that are legally imported, yes.

Q57 Chair: If there were to be—heaven forfend—a virus, which we are told would not necessarily be a large occurrence but could occur, passing from one of these primates to a human, might you revise your opinion?

Lord De Mauley: I certainly agree that, due to the close genetic relationship between non-human primates and ourselves, disease-causing organisms may be easily exchanged between us. The significant and dangerous diseases, mercifully, are not present in the country. This particular risk is over importing animals carrying diseases. Whilst we understand there is a risk of disease transmission to humans, we have to remember that imports and trade are regulated by international law and animal health is a very high priority within that. Every animal bought lawfully into the UK will have been subject to animal health checks as required by the Balai Directive.

Chair: We will draw our own conclusions possibly from what you have said.

Q58 Sheryll Murray: Lord De Mauley, can I ask whether there is a clear difference between keeping primates as pets and keeping a domestic animal such as a cat or a dog? Do you think there are any special requirements that are needed, between the two?

Lord De Mauley: Yes, I certainly do. A primate must be fed the appropriate diet, which is something that I would not expect a layman to know. They need to be kept in social groups of their own species and in large enclosures. All those characteristics, it seems to me, are very difficult to meet.

Q59 Sheryll Murray: Given the welfare concerns we have heard about in earlier evidence sessions, is this not an area that could benefit from perhaps further legislation and regulation?

Lord De Mauley: First, we have the Animal Welfare Act, which is an extremely effective piece of legislation. Allied to that, we have the “Code of Practice for the Welfare of Privately Kept Non-Human Primates”, which came into being in 2009. I did want to inform the Committee that we will shortly be beginning a review of that. We have to review it next year, so we will be beginning the review towards the end of this year. Your input to that review, the evidence you will have heard and anything else you would like to give to us will be very welcome.

Q60 Sheryll Murray: I have one of the sanctuaries in my constituency. I have worked very closely with them and I have seen a lot of rescued primates brought in; in fact they are over-capacity now, because of the amount they have had to rescue. How confident are you that the Animal Welfare Act 2006 and the other legislation that you have mentioned provide adequate protection for those primates kept privately? If you came to my constituency, to Wild Futures, you would see there is a growing problem with this.

Lord De Mauley: I am confident the legislation is adequate to deal with animal welfare. Yes, I am.

Q61 Sheryll Murray: So although you are going to review it, you do not actually think we need to change it in any way?

Lord De Mauley: The legislation does not need changing; it is a question of how to interpret it, and that is what the code helps with.

Q62 Sheryll Murray: Do you think the code could be interpreted in different ways, so that we are not protecting the welfare of primates?

Lord De Mauley: If that is a concern, it is certainly something I am prepared to look at.

Q63 Neil Parish: Has Defra undertaken any reviews of the ability and effectiveness of local authorities to grant licences for privately kept primates, particularly in relation to welfare concerns? In many ways, you need expert veterinary advice to be able to come to terms with whether these animals are being kept properly and adequately. Do local authorities have those resources and what is Defra's view of it?

Lord De Mauley: The code itself includes comprehensive details of experts who can be contacted by local authorities. It is right there in the inside back cover of the code. There is a question as to whether there is adequate veterinary cover, but Mr Greenwood said there are vets around the country, and it is a question of finding them, and that is what the code can help with.

Q64 Neil Parish: I am interested in the numbers here. We have anything between 2,500 and 7,500 primates. You talked about only four animals coming in from outside the EU. Do you actually know how many are coming in from the EU? If you cannot say now, perhaps it can be provided in written evidence. I do not quite understand how these thousands and thousands of primates are here. I am not convinced that anybody actually knows where they are and how they are being kept. That might be a bit of a charge, but this is what worries us all: are we actually getting to grips with where these primates are?

Lord De Mauley: In answer to your question about what is coming in from the EU, between 2012 and 2014, there have been 84 consignments of primates traded between EU member states and the UK, and 43 as third-country imports. All of these consignments were licensed in Balai-approved or registered establishments.

Q65 Neil Parish: When you say consignments, is that individual animals or a number in each?

Lord De Mauley: It is a number.

Q66 Neil Parish: You can see where I am coming from. If you have 5,000 primates in this country, either they are being bred in this country and traded or they are coming in in some shape or form. We do not have a handle on how many are coming in.

Lord De Mauley: I would point out that they do live quite long lives.

Q67 Neil Parish: Even if they live 10, 20 or 30 years, if you do the arithmetic to get to between 5,000 and 7,000 it takes quite a few primates to come in.

Lord De Mauley: As I said earlier in my analysis of the scope of the problem, in terms of priorities for Government, when you consider, even at the top end of the range given by the RSPCA—7,500—that is one for every 8,000 members of the population compared with one dog for every eight members of the population. One has to prioritise where one puts one's effort.

Q68 Neil Parish: I do not necessarily disagree with you there, Minister. However, you are asking local authorities to do this monitoring and you are saying there is no need for a change in law, about which you may well be right. Are the present laws we have actually

being administered and are you actually confident that anybody is checking this? I am not necessarily knocking local authorities. You say that Government has an awful lot to do, but then so do local authorities.

Lord De Mauley: They have powers under the Animal Welfare Act and the code of practice helps them carry that out. It is up to local authorities to make their own priorities for action. For some it may be primates kept in the home; for others it will be other things. It has to be up to them to make those sorts of decisions. Of course, there is also the ability for individuals to report issues to the RSPCA, who also follow up these matters.

Q69 Neil Parish: I think I know the answer to my next question. Will you consider transferring responsibility for licensing to central Government, where a centre of expertise could be created?

Lord De Mauley: I am not convinced about a centralised system of licensing. I imagine you are referring to pet-shop licensing.

Neil Parish: Yes, and also to making sure generally that people who are keeping primates are keeping them properly.

Lord De Mauley: There is a system of pet-shop licensing. Anyone selling any animal must be licensed under the Pet Animals Act 1951 and open to inspection by local authorities; at least this applies to anyone, in the context of a shop, who is doing it as a business. As regards a dedicated licensing scheme for the ownership of primates, I am not convinced that would have any significant advantages over the existing legislation. You will be aware that we used to have a system for licensing dogs in this country, which was abandoned because it was expensive to administer and many dog owners simply ignored it. I have seen figures from the primate rescue centres, which suggest the numbers of primates being rescued has gone up in recent years. Those numbers are still fewer than 20 a year, which does not suggest to me a need for a new animal welfare regulatory regime.

Q70 Mrs Lewell-Buck: Based on your earlier comments, am I right in thinking that you agree with some of the witnesses that the code of practice is perhaps inadequate?

Lord De Mauley: I certainly agree that it will shortly have a review and I am open to suggestions. Certainly, the sorts of people who have been in front of you would be the stakeholders to whom we would look for assistance with that review.

Q71 Mrs Lewell-Buck: I am curious as to what we can expect from this review. You have been clear that the law does not need changing, but one of the criticisms of the code is that it lacks any teeth and does not have any force. What can people actually expect from the review?

Lord De Mauley: I do not want to prejudge that. I am sorry to give you that answer, but it is the sort of exercise where I really want to hear from the stakeholders—the charities, the welfare organisations and your Committee—what the concerns are and take that into account.

Q72 Mrs Lewell-Buck: What I am trying to get at, Lord De Mauley, is that there is obviously a reason that it is being reviewed. What is the reason it is being reviewed? Is it hoped this review will put to bed the reason why it is being reviewed, if I am making sense there?

Lord De Mauley: The reason it is being reviewed is because it is due for review five years after it came into force.

Q73 Mrs Lewell-Buck: Is it just going to be an exercise where we will get the same code again?

Lord De Mauley: No, certainly not.

Mrs Lewell-Buck: I would hope not, and I am sure everyone here would hope that.

Lord De Mauley: It is going to be a proper review. That is why I am very keen to hear views. I am serious about this: I do not want to prejudge, but I do want to hear the views of the stakeholders.

Mrs Lewell-Buck: We can expect some positive changes from it, at least?

Lord De Mauley: If it needs change, we are very receptive to that.

Q74 Sheryll Murray: On that point, Lord De Mauley, could you give me some examples of the way other European countries deal with this matter? Are there any European countries that have a ban, for instance? Is there any evidence that that has driven it underground? I am thinking, perhaps, of Belgium.

Lord De Mauley: There are several countries that have brought in a ban, yes. One of my concerns with that is we could risk either suddenly overwhelming our rescue centres with too many new candidates—

Q75 Sheryll Murray: Could I stop you there? If you had a grandfather clause or something like that, do you think it would be workable? Secondly, if we have seen a ban introduced in other European countries, might it have driven the primate trade into countries like ours? We could be seen as a nation that is pretty weak, as far as regulation is concerned, throughout Europe.

Lord De Mauley: In answer to your first question, yes. I agree with you that grandfather rights are the route several of those countries have gone. The worry I have about that is these animals live, as I said earlier, for many years. It would make enforcement extremely difficult, because you would not know whether it was an animal that predates the ban or not. It would be very, very difficult to police.

Secondly, on your question about forcing it underground, there is a distinct possibility it would force ownership underground. I worry about that, because it would mean that those animals that were kept in homes—something all of us would much rather did not happen—would be denied proper veterinary care, because you could not take it openly to a vet to have it looked at.

Q76 Neil Parish: Going back to my final questions on whether you want to transfer monitoring to a Government organisation, is there a role for Defra and Government to have an expert or a couple of expert vets across the country who can help local authorities? One of the arguments is over whether smaller local authorities, especially, have the ability and the funds to have that expertise.

Lord De Mauley: Yes. It is specifically set out at the back of the code. Annex 1 of the code is extremely helpful about where you can go to get help with that.

Neil Parish: You are confident that local authorities can do that?

Lord De Mauley: They can do that.

Neil Parish: I am glad to hear it.

Q77 Jim Fitzpatrick (in the Chair): Minister, we are keen to let you go as soon as we have asked the last couple of questions. In terms of the five-yearly review that Mrs Lewell-Buck was asking about, we heard evidence earlier today about five different codes operating for different aspects of ownership. Will the review be looking at trying to bring those different codes together?

Lord De Mauley: I am not entirely sure what all the other codes are. The code I am talking about is the one that is called the “Code of Practice for the Welfare of Privately Kept Non-Human Primates”. There may be codes that are under different legislation to deal with dangerous wild animals and those sorts of things.

Sue Ellis: There are zoo standards, but they set out broad requirements and principles. There are some specific requirements in the zoo standards for some species groups, but I understand that does not include primates; they are only covered by the general standards.

Q78 Jim Fitzpatrick (in the Chair): One thing that has come across today from different witnesses is the general acceptance that there is a lack of accurate data, simply because of the nature of ownership, because some of it is under the radar and because of the different species, etc. The RSPCA in one part said there was an increase of 73% in reports in 2012-2013, or 2011-2012—certainly beyond the recession, which might suggest there is some kind of increase in the numbers of animals being kept. The accuracy of data does seem to be key to all of this. We have heard estimates, as I say, that there are fewer than 1,000 animals to the figures you quoted yourself of between 2,500 and 7,500. How do you think you might be able to get a handle on the size of the problem and then determine what the Department needs to do about it?

Lord De Mauley: I have given you my best answer to that question, Mr Fitzpatrick. I cannot really do any better than I have done already.

Q79 Jim Fitzpatrick (in the Chair): The Department clearly is therefore relatively comfortable with the regime that exists at the moment and is not looking at moving towards any additional prohibition or ban in this field?

Lord De Mauley: I have not heard anything that changes my view that a ban per se is a good idea. Having said that, my view is that the Animal Welfare Act makes it extraordinarily difficult for someone to keep primates as pets in the home under inappropriate conditions, which I have explained. As I have tried to say, I am entirely open to amendments to the code, which we are shortly to start to review.

Q80 Sheryll Murray: How many of the superb animal welfare rescue centres have you visited since you took office and gained expertise from?

Lord De Mauley: I have not myself visited them, but representatives from them have come to see me.

Sheryll Murray: Given that you are looking at the code, would you be going around and actually taking some evidence from them?

Lord De Mauley: That would be a good idea.

Jim Fitzpatrick (in the Chair): Minister and Ms Ellis, thank you so much. We are very grateful for the invitation to submit a report on the back of this evidence session to contribute to your five-yearly review. If there is any advance notice of when we should be submitting that by, that would be extremely welcome.

Thank you very much for your time today; we are very grateful for your appearance in front of the Committee. Thank you.