

BVA Briefing: 3 November 2021

BVA, British Veterinary Zoological Society (BVZS) and British Small Animal Veterinary Association (BSAVA)

Annex A

Kept Animals Bill: Keeping primates (England)

Key concerns:

- The proposed legislation fails to sufficiently address the welfare issues associated with currently kept single primates.
- Licensing standards will need to be sufficiently high (at least zoo level standards) so that primate ownership under the new primate licence will be the exception as opposed to the norm. For example, only for those individuals in the UK who maintain small privately-owned collections of primates for conservation and/or breeding purposes as part of recognised breeding programmes.
- Local authorities will need sufficient funding and resourcing to ensure the effective implementation and enforcement of the proposed legislation.
- We're concerned by the length of the proposed period for implementation of legislation; we would prefer it to be a year both for applying for a primate licence and applying to be on the transitional register.
- We're concerned by the proposed provision that the Secretary of State has power to extend this part of the Bill and adopt the licensing regime for other wild animals kept as pets without an apparent need to consult with relevant stakeholders. This should be done with caution as this regulatory mechanism may not be appropriate for other species, and there needs to be a process whereby species-specific needs can be considered before extending the licensing regime.
- The Bill should contain provisions for a centralised database of primate keepers (both those under licence and those on the transitional register) to ensure traceability between local authorities and for the collation of accurate data.

Specific amendments:

Section	Concern	Amendment
Definitions		
Section 25 General interpretation	Definition and reference to 'veterinary surgeon'; it's important to ensure that only vets with appropriate experience conduct inspections, health checks and welfare assessments	Amend to ' competent veterinary surgeon' throughout – meaning a person registered as a veterinary surgeon on the RCVS register of veterinary surgeons who is suitably qualified or experienced in primate health and welfare
Section 25 General interpretation	It is crucial that any intervention to prevent breeding is determined on a case-by-case basis by the clinical judgement of a competent vet with appropriate primate experience, based on their assessment of the individual primate and their social structure. Include a definition of neutering and contraceptive methods	Add in following definitions: <ul style="list-style-type: none"> - 'Neutering: meaning surgical neutering (salpingectomies in females and vasectomy or castration in males) undertaken by a competent veterinary surgeon - 'Contraceptive methods': meaning contraceptive hormone implants eg. progesterone in females, or deslorelin in males or females prescribed by a competent veterinary surgeon
Primate licence		
Section 2(2) Length of licence	6 years is too long. We support a licence length of 4 years, with an inspection at 2 years where the terms of the licence can be amended or the licence rescinded	Amend Section 2(2) to 'A primate licence has effect for a period of four years from the date on which it comes into force'

Section 10 (2) Inspection of licensed premises	As above, we support an inspection upon application, two years into the licence period and when applying for renewal	Amend Section 10(1)(b) from 'must do so at least twice in that period' to 'must do so at least every two years. '
Section 7(2a) Variation and surrender	Current wording states that a local authority must grant applications to vary licences if the application is to reduce the number of primates on the licence. This could result in solitary primates, which is a welfare issue.	Amend Section 7(3)(b) to: <i>Before determining whether to vary a licence under subsection (2)(b) a local authority must arrange for the premises specified in the licence, or the proposed new premises, to be inspected by a competent veterinary surgeon.</i>
Section 13(2)(c) Rectification period	Two years is far too long, and will cause unnecessary suffering	Amend to: 'specify a period not exceeding six months for the taking of those steps ("the rectification period")'
Section 16(2)(c) Forfeiture	Incorrect use of terminology 'put down'	Amend to: ' Euthanised '
Breeding and sale		
18(b)(i) Breeding primates	A person commits an offence if they do not have a licence and they keep two or more primates that are not neutered. Interventions to prevent breeding need to be decided on a case-by-case basis by a competent veterinary surgeon, and may include temporary contraceptive methods.	Amend to: 'A person commits an offence if the person keeps two or more primates without relevant authorisations where the primates are not neutered or placed on contraceptive methods to prevent breeding. '
Transitional register (Schedule 1)		
2(1)(a) Introductory "registration requirements"	A person keeping a primate on transitional register must ensure that 'the basic welfare needs of the primate are met' – this doesn't align with existing legislation or statutory codes of practice	Amend to 'the basic welfare needs of the primate, as set out under the Animal Welfare Act and statutory Code of Practice for the welfare of privately kept non-human primates , are met'
2(1)(a) Introductory "registration requirements"	A person keeping a primate on transitional register must ensure that the primate receives a health check from a veterinary surgeon. This reads as if they only need to arrange for a health check for the primate in order for the registration to be accepted, with no ongoing veterinary oversight for health or welfare.	Amend to 'the primate receives an annual health check and welfare assessment from a competent veterinary surgeon'
5(1) Inspections and fees	There is currently no requirement for ongoing inspections of premises on the register, only on initial application.	Amend to: A local authority that has registered a primate under this Schedule must , while the primate is registered, arrange for a competent veterinary surgeon to inspect the premises where the primate is kept annually to determine whether the welfare requirements are being met.
8 (4)(1) Rectification periods	Currently stands at 1 year, which is too long	Amend to: 'The rectification period may not be longer than six months. '