

Pet Shop Primates

An Investigation into the Sale of Non-Human Primates by Licensed Pet Shops in England



**BORN
FREE**
FOUNDATION

“Primates should not be considered as pets in the accepted sense of the word: they are not species that can be treated as part of the family in the way that a cat or dog might be. They are wild undomesticated animals that cannot be house-trained or fully tamed.”

Defra 2009

Pet Shop Primates - An Investigation into the Sale of Non-Human Primates by Licensed Pet Shops in England

A report by the Born Free Foundation

©Born Free Foundation 2014

Introduction:

Unlike “traditional” companion animals such as dogs and cats, all primates are wild animals and have not been domesticated (selectively bred over a significant number of generations for particular physical and/or behavioural traits). All primates have complex social, physical and behavioural needs, and have a well-developed capacity for pain, suffering and distress. As a result, experts in the field of primatology are united in their concern for primates kept as pets. For example, the International Primatological Society “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”.

Nonetheless, subject to certain restrictions in some circumstances, **the sale and keeping of primates as pets in England is currently legal.**

Current regulatory framework:

The **Animal Welfare Act 2006** contains the general legal provisions relating to animal welfare in England and Wales. The Act aims to prevent suffering and makes owners and keepers of animals responsible for ensuring that the welfare needs of their animals are met.

The **Dangerous Wild Animals Act 1976** (DWAA) requires inspection and licensing for some species of animals (including some primates) considered to pose a risk of injury to humans. The DWAA is first and foremost public health and safety legislation, and covers animal welfare only secondarily. It does not cover the most commonly kept species of primates in the UK.

All primates are listed on Annexes A and B of Council Regulation (EC) No 338/97 (as amended) of the **EU Wildlife Trade Regulations** which implement the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The ownership of a primate as a pet for non-commercial purposes does not require paperwork under these Regulations. In order to buy a primate listed on Annex A, the person selling the specimen is required to have a sales certificate issued under Article 10 of the EU CITES Regulations. Primates on Annex B can be traded without CITES paperwork within the EU providing there is proof of “legal acquisition”.

The **Pet Animals Act 1951** requires any person keeping a pet shop to be licensed by their local authority. The local authority may inspect the shop and must be satisfied that basic provisions for the animals' welfare are met. 82% of local authorities report inspecting pet shops annually (OATA 2014). The local authority may attach conditions to the licence and may refuse a licence if the terms or conditions of the licence are not complied with.

The **Code of Practice for the Welfare of Privately Kept Non-Human Primates** (“the Code”) was introduced in 2010 under section 14 of the Animal Welfare Act 2006. Its purpose is to act as a guide to the steps a keeper of primates must take to meet the [welfare] needs of an animal as required by section 9 of the Animal Welfare Act 2006. The Code specifically excludes zoos and research facilities, but applies to primates kept in private ownership by individuals and bodies corporate, and it is understood that it applies to primates in pet shops¹. Although it is non-binding, compliance with the Code can be taken into account in deciding whether or not an offence has been committed under the Animal Welfare Act 2006. The Code is scheduled for review in 2015.

¹ Although the EFRA Committee Report (EFRA 2014) appears to exclude primates kept in private ownership by pet shops.

EFRA Committee

In December 2013, the Environment, Food and Rural Affairs (EFRA) Select Committee in the House of Commons launched an inquiry to look at the extent of the trade and keeping of primates as pets within the UK, whether the existing regulatory framework and Code of Practice offer adequate protection for the welfare of primates kept as pets and are being applied effectively, and whether people should be allowed to keep primates as pets and, if not, how a ban might be implemented. The Report from the Committee indicated that non-compliance with the regulatory framework is widespread; and among other things recommended that:

- Defra commission independent research on the number and type of primates being traded and kept as pets in the UK.
- The Government should launch a public education campaign to raise awareness of the rules and guidance.
- Defra review the Pet Animals Act 1951 to ensure that it remains relevant and effective in the internet age.

Objective:

In order to contribute to a better understanding of the scale and scope of problems related to the sale and keeping of primates as pets, the Born Free Foundation commissioned an investigation into the sale of primates in licensed pet shops in England. The investigation aimed to examine the role, suitability and application of the Code of Practice for the Welfare of Privately Kept Non-Human Primates within pet shops and in relation to sale of primates to private individuals by pet shops.

NB This investigation only included licensed pet shops with high street premises. Although they may be licensed under the Pet Animals Act, private sellers, online advertisers and animal dealers were not included. It is highly likely that the majority of the trade in primates occurs away from the high street. In fact, one pet shop reported that they no longer sold primates but specifically advised that they could easily be obtained online.

Investigation:

The Born Free Foundation contacted all the local licensing authorities in England for details of shops licensed under the Pet Animals Act 1951. The licence schedule for each pet shop was inspected, and a list of those premises licensed to sell one or more species of primate was compiled, comprising twenty-one pet shops. At least seven of these shops were reported as being allowed to sell “primates”, while others were restricted to more narrow taxa (e.g. “marmosets”). In only one case was the shop reported as licensed to sell a single species (“ring-tailed lemurs”).

Investigators contacted nineteen of the pet shops reportedly licensed to sell primates. The points below and key findings overleaf are based on telephone enquiries about purchasing a primate and site visits.

They found that:

- Six shops reported that they had primates available in stock or could source them.
- Two shops kept primates on site at the time of the investigation (marmosets, *Callithrix jacchus*, and ring-tailed lemurs, *Lemur catta*).
- The primates most commonly offered for sale were marmosets (presumed to be common marmosets, *Callithrix jacchus*), although several shops also suggested sourcing tamarins (various species).
- Three shops advised that research was necessary or cautioned against owning primates as pets.

Overall, the investigation suggests that the Code of Practice may not be sufficient to ensure the welfare of primates sold by pet shops, as pet shops provided inconsistent or unsound advice to potential buyers which could have serious implications for the welfare of primates after purchase. It also identified possible welfare concerns for some of the primates kept in the pet shops.

Outline of key findings from the investigation, relating to the keeping of and potential sale of primates by pet shops, and how each relates to the Code of Practice. [Unless otherwise stated, quotes in italics are taken directly from conversations with pet shop employees]:

Key Finding – Expression of Normal Behaviour

Four shops indicated that primates should be kept in pairs or groups. However, three of these shops also indicated that they would be willing to provide a single primate for sale.

“They are better in pairs but what happens in pairs is they will be more friendly with each other rather than you so that is something you will have to take into account.”

“...unless you can give it a hell of a lot of attention, then you would be able to keep one but they do need a lot of attention and it is better to keep them in pairs.”

“...people do get them in pairs but once you start getting them in pairs they start to get sort of hard to handle you know so you are better off getting the one.”

“...some suppliers will say they have got one that was brought up on its own and it’s available to go on its own”

THE CODE STATES:

With few exceptions, [primates] live in complex societies that can comprise tens of individual animals.

With the exception of a few solitary species, primates should not be kept singly.

All gregariously social primate species should display social affiliative behaviours, including physical behaviours and vocal and visual displays appropriate to the species. These include, but are not limited to, social grooming, food sharing, communal resting, and interactive play as appropriate to the species. Primates should be housed in stable groups of sufficient size and composition to allow the full expression of these behaviours.

Key Finding – The Need for a Suitable Environment

Three shops indicated that primates could be kept inside or outside, and another indicated that they should “preferably” be kept outside as a consequence of the smell. One shop recommended what might be considered a parrot cage for “*night-time*” and “*a spare bedroom or garage for daytime*”.

THE CODE STATES:

Requirements include an appropriately-constructed and sized enclosure. All primates that are kept by private keepers are arboreal, and should have an appropriate climbing structure within their enclosure. In general, the more complex the climbing structure, the better it is for the animals.

They should not generally be kept in domestic living spaces, and instead require specialised accommodation.

Natural light is particularly important for diurnal primates, and indoor and outdoor accommodation should be provided.

Key Finding – Safe Handling and Capture of the Animals

“...if you have one it will need a lot of TLC with them, you know, handle as much as you can. When they are on their own they do get the hump so give them a bit of care and attention you know and a bit of handling that sort of thing.”

THE CODE STATES:

Handling can be stressful for animals. It should therefore be done with great care, and only by suitably-experienced people.

[Primates] are not species that can be treated as part of the family in the way that a cat or dog might be.

Key Finding – Assessing the Welfare of Primates

Knowledge of primates appears to be lacking. When a staff member at one shop was asked if it was possible to purchase a monkey, they responded that it was not, and that the most similar available animals were marmosets.

THE CODE STATES:

It is essential that keepers should have a thorough understanding of the biology and behaviour of each species kept.

You should know the normal behaviour in captivity of the species you keep.

Key Finding – The Need for a Suitable Environment

Site visits to one pet shop showed that marmosets were being kept and advertised for sale in cages commonly used to keep pet birds (see Figure 3). These cages were situated with the top of the cage below average human head height. Another group of marmosets was housed in a small cage above a doorway, the height of which was apparently equivalent to the distance between the top of the door and the ceiling (Figure 4). This shop was extremely busy during the visits and loud music was playing.

THE CODE STATES:

It is important that adequate refuges and visual barriers are provided, including from people.

Requirements include an appropriately-constructed and sized enclosure. All primates that are kept by private keepers are arboreal, and should have an appropriate climbing structure within their enclosure. In general, the more complex the climbing structure, the better it is for the animals.

Vertical space is particularly important as escape responses tend to be upwards, and dominance relationships are often expressed, in part, by occupation of perches at different heights.

Enclosures should be located away from busy or noisy areas, in order to reduce stress and interference from passers-by.



Figure 1: Common marmoset (*Callithrix jacchus*) for sale in pet shop in England, 2014



Figure 2: Ring-tailed lemurs (*Lemur catta*) in pet shop in England, 2014

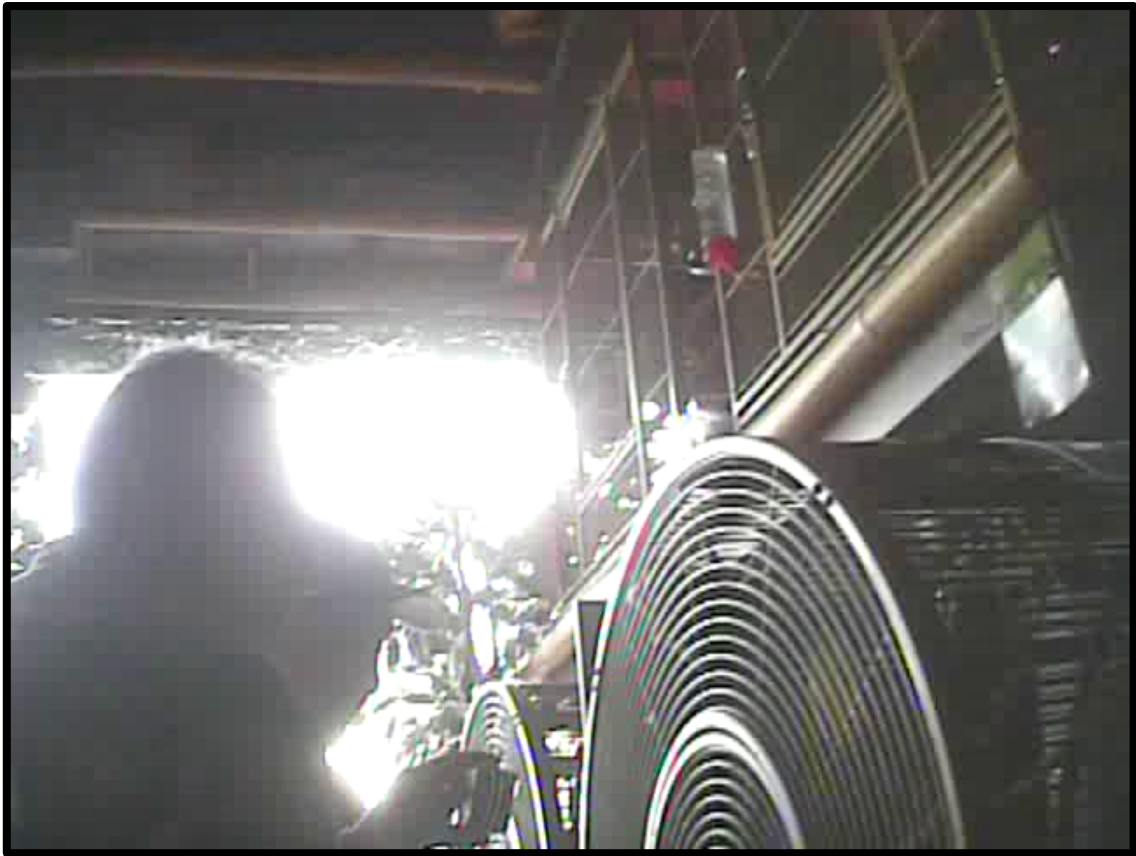


Figure 3: Cages housing common marmosets (*Callithrix jacchus*) in pet shop in England, 2014 (bottom right)



Figure 4: Cage housing common marmosets (*Callithrix jacchus*) in pet shop in England, 2014

CONCLUSIONS:

This investigation shows that it remains possible to purchase a primate from a high-street pet shop, with 21 pet shops identified as licensed to sell primates in England. OATA (2014) has estimated that there may be as many as 43 pet shops across the UK licensed to sell primates.

The majority of shops licensed to sell primates do not currently appear to do so. This raises questions about the accuracy of their licensing status and how regularly the shops are inspected. Leaving primates on the schedule of a shop's licence may encourage the shop to consider selling primates and permit it to begin selling primates without the specific knowledge of the local authority.

Where primates are available for sale, this investigation reveals a startling and concerning degree of poor practice:

- **Pet shops willing to sell single primates, without at least verifying with the potential purchaser that the primate would be housed with conspecifics.**
- **Staff at one shop did not appear to know that a marmoset is a monkey.**
- **Pet shops were inconsistent in their advice regarding where and how to keep primates - for example, recommending that primates could be housed in a parrot cage and a spare bedroom or garage.**
- **There were concerns for the welfare of some primates kept in pet shops.**

It is apparent that there is a significant risk of failure to meet the Code after purchase, as a result of the willingness of some shops to sell single primates and the poor-quality advice offered to potential buyers. This represents a considerable weakness in the current system of regulation, something that a public education campaign (as recommended by EFRA) is unlikely to impact.

The Code has been in place since 2010 and is scheduled to be reviewed in 2015. The EFRA Committee has stated that the Code is too general and ambiguous to be fully effective, and that it should be clarified and expanded when reviewed. We are convinced that a system based on an expanded and more detailed Code of Practice simply cannot guarantee the welfare of primates as pets, as a consequence of the incompatibility between the animals' biology and needs and the domestic environment. Furthermore, this investigation demonstrates that it is insufficient to look at the Code in isolation.

RECOMMENDATIONS:

- There is an urgent need to review and update the Pet Animals Act to reflect the large-scale sale of animals on the internet and the ongoing sale of primates in pet shops.
- Local authorities should ensure that inspections of pet shops are carried out regularly, and that the shops' licences are kept under review to reflect current stock.
- **The Born Free Foundation is convinced that no regulatory system can safeguard the welfare of primates when kept privately, and that a ban on the trade and private keeping of all species of primates should be introduced across the UK.**

References:

Defra (2009). Code of Practice for the Welfare of Privately Kept Non-Human Primates.

EFRA (2014). House of Commons Environment, Food and Rural Affairs Committee: Primates as Pets. Eleventh Report of Session 2013-14. <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/984/984.pdf>

OATA (2014). Freedom of Information Request on Pet Shop Licensing. http://www.ornamentalfish.org/wp-content/uploads/2014/04/FOI-Request-on-Pet-Shop-Licensing_FINAL.pdf

Further Information:

Environment, Food and Rural Affairs Committee Inquiry on Primates as Pets. Written and oral evidence, and EFRA report, available here:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/environment-food-and-rural-affairs-committee/inquiries/parliament-2010/primates-as-pets/>

Common Marmoset Care. <http://www.marmosetcare.com/>

Acknowledgements:



The Born Free Foundation is extremely grateful to Hidden-in-Sight International (www.hiddeninsight.org) for their assistance with the investigation.

Appendix

Local Authorities reporting pet shops licensed to sell primates:

Barrow-in-Furness Borough Council
Bolsover District Council
Broadland District Council
Bury Council
Cheshire West & Chester Council
Durham Council
Forest of Dean District Council
Gateshead Council
Huntingdonshire District Council
Lincoln City Council
London Borough of Enfield
Manchester City Council
Northumberland City Council
South Oxfordshire District Council
Stafford Borough Council
Telford and Wrekin Council
Thanet District Council
Thurrock Council
Warrington Borough Council
Winchester City Council