

Draft Regulations laid before Parliament under section 61(2) of the Animal Welfare Act 2006, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2023 No.

ANIMALS, ENGLAND

ANIMAL WELFARE

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

Made - - - - - *******

Coming into force in accordance with regulation 1(2)

CONTENTS

PART 1

General

1.	Citation, commencement, extent and application	2
2.	General Interpretation	3
3.	Meaning of “keep”	3
4.	Keeping primates: licensable activity	3
5.	Licensing authority	3

PART 2

Primate licences: operation

6.	Applications	4
7.	Determination of applications	4
8.	Primate licences and conditions	5
9.	Variation and surrender	5
10.	Renewal	6
11.	Death of the holder of a primate licence	6
12.	Inspections of licensed premises	7
13.	Fees	7

PART 3

Enforcement

14.	Offences	7
15.	Rectification notices	7

16.	Revocation or variation of a primate licence	8
-----	--	---

PART 4

Decisions relating to primate licences: representation and appeals

17.	Application of Schedule 2	8
-----	---------------------------	---

PART 5

Supplementary

18.	Powers of entry	8
19.	Post-conviction powers	8
20.	Guidance	8
21.	Information	8

SCHEDULE 1	— Licence conditions	10
SCHEDULE 2	— Decisions relating to primate licences: representations and appeals	18

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 13(2), (7) and (10) of, and Parts 1 and 3 of Schedule 1 to, the Animal Welfare Act 2006(a).

In accordance with section 13(9) of that Act, the Secretary of State has consulted such persons appearing to the Secretary of State to represent interests with which these Regulations are concerned as the Secretary of State considered appropriate.

In accordance with section 61(2) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Animal Welfare (Primate Licences) (England) Regulations 2023.

(2) Except as provided by paragraph (3), these Regulations come into force on 6th April 2026.

(3) The following provisions come into force on 6th April 2025—

- (a) this Part, other than regulation 4;
- (b) Part 2 and Schedule 1;
- (c) Part 4 and Schedule 2; and
- (d) regulation 20.

(4) These Regulations extend to England and Wales.

(a) 2006 c. 45. The powers are conferred on the “appropriate national authority” which is defined in section 62(1) of that Act.

(5) These Regulations apply to the keeping of a primate in England.

General Interpretation

2. In these Regulations—

“the Act” means the Animal Welfare Act 2006;

“keep” has the meaning given in regulation 3;

“licence conditions” means the conditions set out in Schedule 1;

“licence period”, in relation to a primate licence, means the period for which the licence has effect;

“primate” means an animal of any species, other than *homo sapiens*, which belongs to the order Primates;

“primate licence” means a licence under Part 2;

“suitable person”, in relation to an inspection arranged by a local authority, means—

(a) a veterinarian; or

(b) any other person who, in the view of the local authority, is suitably qualified and competent to carry out the inspection;

“veterinarian” means a person registered in the register of veterinary surgeons or the supplementary veterinary register kept under the Veterinary Surgeons Act 1966(a).

Meaning of “keep”

3.—(1) For the purposes of these Regulations, a person “keeps” a primate if the person has it in their possession, except where the person has it in their possession for the purposes of—

(a) preventing it from causing damage;

(b) restoring it to its owner;

(c) enabling it to undergo veterinary examination or treatment; or

(d) transporting it on behalf of another person.

(2) Where a primate ceases to be in the possession of a person who kept it in England and the primate remains in England, that person is to be regarded as continuing to keep it for the purposes of these Regulations until another person does so.

Keeping primates: licensable activity

4. Section 13(1) of the Act applies to the keeping of a primate other than where the primate is kept in—

(a) a zoo within the meaning of the Zoo Licensing Act 1981(b) and a licence in respect of that zoo is in force under that Act; or

(b) a place specified in a licence under section 2C of the Animals (Scientific Procedures) Act 1986(c).

Licensing authority

5.—(1) The licensing authority for the purposes of these Regulations is the local authority in whose area the premises at which a primate is kept or is to be kept are situated.

(a) 1966 c. 36; section 2(2) was amended by paragraph 1 of the Schedule to S.I. 2003/2919, paragraph 2 of the Schedule to S.I. 2008/1824 and regulation 2(3) of S.I. 2019/454.

(b) 1981 c. 37; “zoo” has the meaning given by section 1(2). Section 1(2) was amended by section 8(2) of the Wild Animals and Circuses (Wales) Act 2020 (asc 2) and regulation 4(a) of S.I. 2002/3080.

(c) 1986 c. 14; section 2C was inserted by regulation 6 of S.I. 2012/3039 and amended by regulation 2(2) of S.I. 2019/72.

(2) Where any premises are partly in the area of one local authority and partly in the area of another local authority, the premises are treated for the purposes of paragraph (1) as being in the area of the local authority in which the major part of the premises is situated.

PART 2

Primate licences: operation

Applications

6.—(1) An individual who keeps or is proposing to keep a primate at any premises in England may apply for a primate licence to the local authority in whose area the premises are situated.

(2) An application may not be made by an individual—

- (a) who is under the age of 18; or
- (b) who is disqualified from keeping primates.

(3) The application must specify—

- (a) the name and address of the applicant;
- (b) the species of primate, and the number of primates of each species to be kept under the licence;
- (c) the premises where the primates are to be kept;
- (d) the date from which the applicant proposes that the licence should have effect; and
- (e) where the applicant requests the licence to be granted for a period of less than three years, the date on which the applicant requests the licence to expire.

(4) The application must specify, in relation to each primate proposed to be kept under the licence—

- (a) its name and sex;
- (b) its species;
- (c) its date of birth or, if not known, its approximate date of birth; and
- (d) the number of any microchip implanted in the primate.

(5) The application must specify such other information, and be in such form, as the local authority may reasonably require.

(6) For the purposes of this regulation, an individual is disqualified from keeping primates if the individual is disqualified from keeping primates of any description under—

- (a) section 34(2) of the Act;
- (b) section 1 of the Protection of Animals (Amendment) Act 1954(a);
- (c) section 40(1) of the Animal Health and Welfare (Scotland) Act 2006(b); or
- (d) section 33(1) of the Welfare of Animals Act (Northern Ireland) 2011(c).

Determination of applications

7.—(1) Before determining whether to grant an application for a primate licence, the local authority to which the application has been made must arrange for a suitable person to inspect the premises specified in the application to determine whether the licence conditions are likely to be met if the application were to be granted.

(a) 1954 c. 40 (2 & 3 Eliz 2); section 1 was repealed by Schedule 4 to the Animal Welfare Act 2006.

(b) 2006 asp 11; section 40(1) was amended by section 4(2)(a) of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (asp 14).

(c) 2011 c. 16.

- (2) Following an inspection under paragraph (1), the local authority must—
- (a) if it is satisfied that the licence conditions are likely to be met if the application is granted, grant the applicant a primate licence with effect from such date as it may determine;
 - (b) in any other case, refuse the application.
- (3) For the purposes of paragraph (2)(a), a local authority may take into account—
- (a) any previous failure by the applicant to meet the licence conditions; and
 - (b) any other conduct of the applicant that is relevant.

Primate licences and conditions

- 8.**—(1) When granting a primate licence under regulation 7(2)(a), the local authority must—
- (a) specify in the licence—
 - (i) the premises where the primates are to be kept;
 - (ii) the species of the primates, and the number of each species, that the holder of the licence is authorised to keep at the premises;
 - (iii) the period of the licence; and
 - (iv) the period within which an application for renewal of the licence must be made to the local authority; and
 - (b) attach the licence conditions to the licence.
- (2) The period of the licence specified under paragraph (1)(a)(iii) must be—
- (a) three years; or
 - (b) where the applicant has requested a licence for a period of less than three years, such shorter period expiring on the date that the applicant has requested.

Variation and surrender

- 9.**—(1) The holder of a primate licence may apply to the local authority that granted it to vary the licence so as to—
- (a) reduce or increase the number of primates of any species that the holder is authorised to keep under the licence;
 - (b) add or remove a species of primate that the holder is authorised to keep under the licence; or
 - (c) change the premises specified in the licence to other premises in the area of the same local authority.
- (2) On an application under paragraph (1), the local authority may grant the application and vary the licence to any extent requested.
- (3) Before determining whether to vary a licence under paragraph (2), a local authority—
- (a) may request further information from the holder of the licence;
 - (b) in the case of an application under paragraph (1)(a) or (b), may arrange for the premises specified in the licence to be inspected by a suitable person;
 - (c) in the case of an application under paragraph (1)(c), must arrange for the proposed new premises to be so inspected.
- (4) The holder of a primate licence who proposes to surrender the licence may apply to the local authority that granted it to surrender the licence.
- (5) On an application under paragraph (4), the local authority must grant the application if satisfied that the holder no longer requires the licence and, when doing so, must specify in writing the date on which the licence is surrendered.

Renewal

10.—(1) The holder of a primate licence may apply for renewal of the licence to the local authority that granted the licence.

(2) The application must be made in the renewal period specified in the licence.

(3) The application must specify such information, and be in such form, as the local authority may reasonably require.

(4) Before determining whether to grant the application, the local authority must arrange for a suitable person to inspect the premises specified in the licence to determine whether the licence conditions are likely to continue to be met if the application for renewal were to be granted.

(5) Following an inspection under paragraph (4), the local authority must—

(a) if it is satisfied that the licence conditions are likely to continue to be met if the application is granted, grant the application and renew the primate licence;

(b) in any other case, refuse the application.

(6) For the purposes of paragraph (5), a local authority may take into account—

(a) any previous failure by the applicant to meet the licence conditions; and

(b) any other conduct of the applicant that is relevant.

(7) Where a primate licence is renewed under this regulation, the local authority must specify in the licence—

(a) the further period of the licence; and

(b) the period within which an application for a further renewal of the licence must be made to the local authority.

(8) A primate licence may be renewed under this regulation any number of times.

(9) The period of the licence specified under paragraph (7)(a) must commence from the end of the most recent period for which the licence had effect and be—

(a) three years; or

(b) where the applicant has requested a licence for a period of less than three years, such shorter period expiring on the date that the applicant has requested.

(10) In paragraph (2), “renewal period”, in relation to a primate licence, means the period specified in the licence under regulation 8(1)(a)(iv) or paragraph (7)(b).

Death of the holder of a primate licence

11.—(1) This regulation applies where the holder of a primate licence (“former licence holder”) dies during the licence period.

(2) The licence is deemed to be granted to the personal representatives of the former licence holder.

(3) If the personal representatives do not notify the local authority which granted the licence of the former licence holder’s death within the period of 28 days beginning with the date of death, the licence deemed to be granted under paragraph (2) expires at the end of that period.

(4) If the personal representatives do notify the local authority of the former licence holder’s death within that 28-day period—

(a) the licence deemed to be granted to them expires at the end of the period of three months beginning with the date of the death of the former licence holder;

(b) the local authority may on application by the personal representatives extend the licence period for a further period of up to three months if satisfied that it is appropriate to do so in all the circumstances; and

(c) if before the time when the licence would otherwise expire by virtue of sub-paragraph (a) or (b) any of the personal representatives applies for a new licence under regulation 6, the licence continues to have effect until the application is determined.

Inspections of licensed premises

- 12.**—(1) A local authority that has granted a primate licence—
- (a) may, during the licence period, arrange for a suitable person to inspect the premises specified in the licence to determine whether the licence conditions are being met; and
 - (b) must do so at least once in that period unless the licence was granted for a period of less than one year.
- (2) An inspection under paragraph (1) must be carried out at a reasonable hour.

Fees

- 13.** A local authority may—
- (a) charge a fee in respect of any application relating to a primate licence under this Part;
 - (b) charge a fee in respect of any inspection which it must or may arrange under this Part.

PART 3

Enforcement

Offences

- 14.**—(1) The holder of a primate licence who fails to comply with a licence condition commits an offence.
- (2) In proceedings for an offence under this regulation, it is a defence for a person to prove that they took all reasonable precautions and exercised all due diligence to comply with the licence condition.
- (3) A person who commits an offence under this paragraph is liable on summary conviction to a fine.

Rectification notices

- 15.**—(1) If a local authority that has granted a primate licence considers that the holder of the licence is failing to meet any of the licence conditions, the local authority may serve a notice under this regulation (a “rectification notice”) on the holder of the licence.
- (2) A rectification notice must—
- (a) state that the local authority considers that the holder of the licence is failing to meet a licence condition, and why;
 - (b) specify the steps that the local authority considers that the holder of the licence needs to take to comply with the licence condition;
 - (c) specify a period not exceeding two years in which those steps are to be taken (“the rectification period”); and
 - (d) explain the effect of paragraph (3).
- (3) Where a holder of a primate licence is given a rectification notice—
- (a) no proceedings for an offence under regulation 14 may be instituted before the end of the rectification period in respect of the non-compliance which gave rise to the notice or any continuation of it; and
 - (b) if the steps specified in the notice are taken before the end of the rectification period, no such proceedings may be instituted in respect of the non-compliance which gave rise to the notice or any continuation of it prior to the taking of those steps.
- (4) The local authority may extend the rectification period, and may do so more than once, so long as the rectification period as extended does not exceed two years.

Revocation or variation of a primate licence

16.—(1) A local authority that has granted a primate licence must revoke it if the holder of the licence is convicted of an offence under the Act.

(2) A local authority that has granted a primate licence may also revoke or vary the licence if the local authority is satisfied that the holder of the licence has failed to—

- (a) comply with a licence condition;
- (b) allow access for an inspection under Part 2;
- (c) pay a fee charged under Part 2; or
- (d) take the steps specified in the rectification notice.

(3) The reference in paragraph (2) to varying a primate licence is to varying it by—

- (a) reducing the number of any primates of any species that is authorised to be kept under the licence; or
- (b) removing any species of primate specified in the licence.

PART 4

Decisions relating to primate licences: representation and appeals

Application of Schedule 2

17. Schedule 2 (decisions relating to primate licences: representations and appeals) has effect.

PART 5

Supplementary

Powers of entry

18. Breach of a licence condition is to be treated as a relevant offence for the purposes of section 23 of the Act (entry and search under warrant in connection with offences).

Post-conviction powers

19. The following sections of the Act apply in relation to a conviction for an offence under regulation 14 (and are to be read as if they included a reference to a person who had been convicted of an offence under that regulation)—

- (a) section 33 (deprivation);
- (b) section 34 (disqualification);
- (c) section 37 (destruction in the interests of the animal); and
- (d) section 42 (orders with respect to licences).

Guidance

20. A local authority must, in the exercise of its functions under these Regulations, have regard to any guidance given by the Secretary of State.

Information

21.—(1) The Secretary of State may require a local authority to provide any of the following information to the Secretary of State—

- (a) the number of primate licences in force in the authority's area;
- (b) the number of primates by species in the authority's area kept under primate licences;
- (c) the level of fees charged by the authority under these Regulations;
- (d) any other information relating to the discharge of the authority's functions under these Regulations that the Secretary of State may reasonably require.

(2) The Secretary of State may require information to be provided under paragraph (1) within such period as the Secretary of State may reasonably require, which must be at least a period of one month from the date on which the information was requested.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 2

Licence conditions

Introductory

1. In these licence conditions—

“appropriate expert”, in relation to advice or guidance that is given to the licence holder for the purposes of paragraphs 19, 36 or 37, means a veterinarian or any other individual who is suitably qualified to provide that advice or guidance;

“exhibition activity”, in relation to a primate, means a licensable activity described in paragraph 10 of Schedule 1 to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018^(a) that is authorised with respect to that primate by a licence granted under those Regulations;

“licence” means the licence granted to the licence holder under Part 2 of the Animal Welfare (Primate Licences) (England) Regulations 2023 authorising the licence holder to keep primates at the premises named in the licence;

“licensed premises” means the premises named in the licence;

“named veterinarian”, in relation to a primate, means the veterinarian with whom the primate is registered;

“occupants”, in relation to an enclosure on the licensed premises, means the primates to be kept or kept in the enclosure;

“primate” means a primate that the licence holder is authorised to keep under the licence;

a reference to “the primates” is a reference to all or any of the primates for the time being kept by the licence holder at the licensed premises;

“veterinarian” means a person registered in the register of veterinary surgeons or the supplementary veterinary register kept under the Veterinary Surgeons Act 1966.

General

2. The licence holder must have in place arrangements to ensure that—

- (a) a sufficient number of persons are present on the licensed premises daily to provide the level of care and management of the primates required by the licence conditions;
- (b) at least one individual is at all times in overall charge of the care and management of the primates and has the necessary authority to ensure that the licence conditions are complied with; and
- (c) any person who is given responsibility for the care or management of the primates under sub-paragraph (a) and (b) is competent to carry out the tasks assigned to him or her.

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

- (a) has a unique number which includes the manufacturer’s code;
- (b) is compliant with ISO standard 11784:1996 of the International Standards Organisation’s standards for microchips^(b);

^(a) S.I. 2018/486, to which there are amendments not relevant to these Regulations.

^(b) Available from the ISO Central Secretariat, International Organization for Standardization (ISO), Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland and at <https://www.iso.org/standards.html>.

- (c) is compliant with ISO standard 11785:1996 of the International Standards Organisation's standards for microchips apart from Annex A(a); and
- (d) responds to a transponder which operates at 134.2 kilohertz and conforms with the FDXB protocol set out in ISO standards 11784:1996 and 11785:1996.

4. Subject to paragraph 5, the licence holder must ensure that each primate is implanted with a microchip that complies with paragraph 3 before the end of the period of two years beginning with—

- (a) where the primate was born on the licensed premises or other premises of the licence holder, the day on which the primate was born;
- (b) in any other case, the day on which the licence holder first took possession of the primate.

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

Records

6.—(1) The licence holder must keep—

- (a) individual records for each primate containing the following details—
 - (i) its name;
 - (ii) its sex;
 - (iii) its microchip number;
 - (iv) its date of birth or, if not known, its approximate date of birth;
 - (v) its species;
 - (vi) its colour and markings;
 - (vii) the name and contact details of its previous keeper (where applicable);
 - (viii) the date and cause of its death (where applicable); and
 - (ix) where the primate is permanently transferred to other premises, the name and contact details of the new keeper (where applicable) and the address of the place to which it has been relocated;
- (b) a written record, which is prominently displayed at the licensed premises, containing—
 - (i) the names and contact details of the people who are for the time being responsible for the overall care and management of the primates;
 - (ii) the names and contact details of the named veterinarian and any other veterinarian who is to be contacted in an emergency; and
 - (iii) contact details of the local fire service and police; and
- (c) a written record of all the persons who are authorised to access and care for the primates.

(2) The licence holder must ensure that any record or written document that the licence holder is required to keep as a condition of the licence is available for inspection at any time by an inspector, either in a visible and legible form or, where stored in an electronic form, in a form from which it can be produced in a visible and legible form.

(3) The licence holder must keep any such record for at least six years beginning with the date on which the record was first created.

(a) Available from the ISO Central Secretariat, International Organization for Standardization (ISO), Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland and at <https://www.iso.org/standards.html>.

Emergencies

7. A written emergency plan must be in place and readily accessible and, where necessary, followed to ensure that all appropriate steps are taken to protect the primates and any person on the licensed premises in the event of a fire or other emergency.

8. The plan must include details of—

- (a) the measures to be taken for the removal of the primates should the licensed premises become unsafe or uninhabitable;
- (b) the arrangements for the care of the primates during and following an emergency; and
- (c) an up-to-date list of emergency contact details that includes the fire service and police.

9. The local authority that granted the licence and the police must be notified immediately if a primate escapes from the licensed premises.

Written procedures for special circumstances

10. Appropriate written procedures must be in place and implemented covering—

- (a) the temporary isolation of any primate;
- (b) the death or escape of a primate; and
- (c) the care of the primates following the revocation of the licence or the death of the licence holder.

11. The procedures required by paragraph 10(a) must include appropriate arrangements for ensuring that the welfare needs of any primate that is being temporarily isolated are met during the period of its isolation.

Nutrition and feeding

12. Each primate must be provided with a suitable diet in terms of nutritive value, quality, quantity and frequency.

13. Food must be presented in an appropriate manner and at appropriate intervals for the primates in the enclosure and must be placed in suitable positions in each enclosure so as to—

- (a) minimise negative interactions between the primates in the enclosure and resource guarding by individual primates; and
- (b) allow the primates to exhibit and develop their natural feeding and foraging behaviours.

14. Access to fresh, clean drinking water must be provided in suitable receptacles in each enclosure which is adequate to meet the needs of the primates in that enclosure and is made available in a manner that minimises negative interactions between primates.

15. The receptacles used for feeding and providing water to the primates must be cleaned daily and more regularly where this is necessary to maintain hygienic standards.

16. The facilities for the preparation of food for the primates and the equipment used for food preparation must be hygienically maintained.

17. Food supplies for the primates must be stored in appropriate conditions.

18. An individually tailored diet plan must be maintained for each primate which details the food that the primate is to receive daily and is adequate to ensure that the primate receives an appropriate balance of daily fresh produce, commercially prepared food and fresh edible plant material in a suitable natural form.

19. The diet plan of each primate must be—

- (a) based on advice or guidance given by an appropriate expert; and
- (b) reviewed every 12 months or, where necessary, at more frequent intervals.

20. The licence holder must maintain a record of the advice or guidance used to prepare each diet plan and the dates on which each such plan has been reviewed or updated.

Physical health

21. The licence holder must register the primates with a veterinarian who has agreed to provide the following—

- (a) routine visits at an appropriate frequency to assess the health, condition and welfare of each primate;
- (b) carry out or supervise the treatment of a sick primate;
- (c) administer or supervise the administration of medicines, vaccines, parasite control, disease surveillance and contraception to the primates when appropriate;
- (d) monitor the health and welfare of each primate; and
- (e) advice and assistance in an emergency.

22. The licence holder must ensure that—

- (a) the primates are monitored daily for signs of pain, suffering, injury, disease or abnormal behaviour and that any vulnerable animals are checked more frequently;
- (b) the primates are weighed monthly;
- (c) all reasonable precautions are taken to prevent and control the spread of infectious diseases, pathogens and parasites amongst the primates and people;
- (d) where any sign of pain, suffering, injury, disease or abnormal behaviour is noted in relation to a primate, steps are taken promptly to identify the cause or possible cause and provide the primate with appropriate treatment and care;
- (e) a record is kept for each primate containing details of—
 - (i) any signs of pain, suffering, injury, disease or abnormal behaviour identified pursuant to sub-paragraph (a);
 - (ii) its monthly weight and the date on which the weight was taken;
 - (iii) the dates of veterinary examinations and treatments and the purpose of those examinations and treatments;
 - (iv) where a primate must be quarantined or isolated to protect its own health or welfare, the reasons for the quarantine or isolation and the length of the quarantine or isolation; and
- (f) written procedures are in place for the purpose of implementing the requirements in sub-paragraphs (a) to (d).

23. No primate may be euthanised except by a veterinarian.

Environment

24. Each primate must be kept in an enclosure on the licensed premises which meets the requirements specified in paragraphs 25 to 29 unless—

- (a) it is necessary to remove the primate temporarily from the premises or the enclosure for the purposes of a veterinary examination or treatment or in an emergency;
- (b) it is necessary to isolate the primate temporarily from other primates on the premises;
- (c) it is necessary to remove the primate temporarily from the enclosure for the purposes of an exhibition activity;
- (d) the primate is being relocated—
 - (i) from the licensed premises to other premises of the licence holder or to the premises of its new keeper; or

- (ii) to the licensed premises from other premises of the licence holder or from the premises of its previous keeper; or
- (e) a veterinarian has advised that the primate be removed from the enclosure and the removal is carried out in accordance with the veterinarian's instructions or under the supervision of the veterinarian.

25. Each enclosure on the licensed premises must—

- (a) include an indoor and outdoor area; and
- (b) be suitable for the primates being kept in it, whether on an individual basis or as part of a social group, with respect to—
 - (i) the overall spatial dimensions of the enclosure and the spatial dimensions of the indoor and outdoor areas in the enclosure, taking account of the welfare and behavioural needs of the primates;
 - (ii) its location on the licensed premises;
 - (iii) its substrate;
 - (iv) its structural elements; and
 - (v) the materials used in the construction of the enclosure.

26. Each enclosure must be designed and maintained so as to—

- (a) provide its occupants with a clean and comfortable environment;
- (b) present minimal risks of injury or harm to any of its occupants;
- (c) prevent the escape of any of its occupants;
- (d) deter entry by predators and native wildlife;
- (e) provide its occupants with opportunities to hide and have privacy;
- (f) ensure that access given to its occupants to the indoor and outdoor areas can be controlled remotely without entering the enclosure;
- (g) ensure that an occupant cannot be trapped or cornered by other occupants;
- (h) ensure that its occupants can be safely separated in a part of the enclosure on a temporary basis whilst the remaining parts of the enclosure are being cleaned, maintained or repaired; and
- (i) ensure that any occupant can be separated temporarily from the other occupants for the purpose of ensuring its own safety, for medical reasons or for managing the interactions between its occupants.

27. Each enclosure must be equipped and maintained with—

- (a) safe climbing and hanging structures which are suitable for its occupants in terms of variety and complexity and allow its occupants, individually or in groups, to exhibit their natural behaviours whilst minimising negative interactions between its occupants;
- (b) safe resting sites and platforms, bedding material, nesting opportunities and organic material for foraging which are suitable for its occupants and allow its occupants, individually or in groups to exhibit their natural behaviours whilst minimising negative interactions between its occupants;
- (c) safe sheltered cover in the outdoor area that provides enough shelter and shade for all of its occupants at any one time; and
- (d) suitable natural planting in the outdoor area for the purpose of providing natural foraging opportunities, privacy and shade.

28. Each enclosure must be designed and equipped to allow the environmental quality in the enclosure to be artificially maintained at appropriate levels for its occupants when occupied.

29. The environmental quality of each enclosure must be maintained at appropriate levels for its occupants, including with respect to—

- (a) temperature;
- (b) ventilation;
- (c) humidity;
- (d) lighting;
- (e) noise; and
- (f) cleanliness.

30. The cleaning and disinfecting of each enclosure must be undertaken—

- (a) at a frequency, and in a way, that does not cause distress, suffering or avoidable discomfort for the primates in the enclosure; and
- (b) takes into consideration their natural behaviours.

31. A written hygiene protocol must be kept for the purpose of ensuring that—

- (a) each enclosure is maintained in an appropriate state of cleanliness and the risk of disease transmission is reduced; and
- (b) the cleaning and disinfecting of the enclosure is carried out in the manner specified in paragraph 30.

32. Each primate must be given permanent access to the indoor area of the enclosure and sufficient daily access to the outdoor area of the enclosure.

Behaviour

33. The primates must be housed and kept in appropriate social groups, except where it is necessary to keep a primate temporarily on its own to avoid negative interactions with other primates in the enclosure or a veterinarian has advised that a primate be kept temporarily on its own.

34. The primates must be allowed to express appropriate natural behaviours and inappropriate or abnormal natural behaviours must be effectively addressed without delay.

35. The primates must be provided with suitable enrichment material for the purpose of drawing out appropriate natural behaviours and providing them with suitable social, physical, sensory and cognitive stimuli.

36. Mixed species may only be kept together in the same enclosure where advice from an appropriate expert has first been obtained and the animals are kept in accordance with this advice.

37. The licence holder must ensure that—

- (a) the primates' behaviour is monitored appropriately;
- (b) a record is kept in relation to each primate of any inappropriate or abnormal behaviour exhibited by that primate;
- (c) an up-to-date plan for addressing inappropriate or abnormal behaviour by any primate is kept; and
- (d) where abnormal behaviour is observed, advice from an appropriate expert is sought promptly.

38. No primate must be left unattended in a situation, or for any period, that is likely to cause it distress.

Handling and restraint

39. No primate may be handled or restrained except by a person who is competent to handle and restrain it safely and appropriately, and except insofar as—

- (a) it is necessary when removing the primate temporarily from the licensed premises or the enclosure for the purposes of a veterinary examination or treatment or in an emergency;
- (b) it is necessary when isolating the primate temporarily from other primates on the licensed premises;
- (c) it is necessary for the purposes of an exhibition activity;
- (d) it is necessary when relocating the primate—
 - (i) from the licensed premises to other premises of the licence holder or to the premises of its new keeper; or
 - (ii) to the licensed premises from other premises of the licence holder or from the premises of its previous keeper; or
- (e) a veterinarian has advised that the primate be removed from the enclosure and the removal is carried out in accordance with the veterinarian's instructions or under the supervision of the veterinarian.

40. Where a primate is handled or restrained, the licence holder must ensure that—

- (a) the primate is handled and restrained with appropriate care and in a manner that avoids unnecessary discomfort, stress or physical harm; and
- (b) the period in which the primate is handled or restrained is minimised.

41. Sedation must not be used for the purpose of capturing a primate unless it is performed under veterinary supervision.

Transport

42. No primate may be transported unless—

- (a) it is necessary to remove the primate temporarily from the licensed premises for the purposes of a veterinary examination or treatment or in an emergency;
- (b) it is necessary for the purposes of an exhibition activity; or
- (c) the primate is being relocated—
 - (i) from the licensed premises to other premises of the licence holder or to the premises of its new keeper; or
 - (ii) to the licensed premises from other premises of the licence holder or from the premises its previous keeper.

43. Where a primate is to be transported or is being transported, the licence holder must ensure that—

- (a) the means of transport and the crates or container in which the primate is to be transported are appropriate;
- (b) the facilities for loading and unloading the crate or container containing the primate onto or from the means of transport are appropriate;
- (c) the primate is physically assessed by a veterinarian to be fit to travel immediately before the primate is loaded onto the vehicle;
- (d) the primate is monitored and given treatment during the journey in accordance with the instructions of the veterinarian that assessed it as fit to travel, unless a veterinarian is present to monitor and give treatment throughout the journey;
- (e) the length of the journey is minimised as far as is possible;
- (f) the primate is not left unattended at any point during the journey; and
- (g) the enclosure at the place of destination is suitable for the primate.

44. The licence holder must have in place a written procedure for the purpose of ensuring that the requirements in paragraph 43 will be met in relation to the transportation of any primate.

Breeding

45. No breeding may be carried out except under the supervision of the named veterinarian and in accordance with a breeding health and management plan provided by the veterinarian.

46. No breeding may be carried out if the number of additional primates born would result in the maximum number of primates that are authorised to be kept under the licence being exceeded.

47. All non-breeding primates must be given contraception under supervision of the named veterinarian.

48. A mother and her infant may only be separated if advised to do so by the named veterinarian and this is done in accordance with the veterinarian's advice.

SCHEDULE 2

Regulation 17

Decisions relating to primate licences: representations and appeals

Application of this Schedule

1. This Schedule applies in relation to a decision by a local authority to—
 - (a) refuse a person’s application to grant, renew, vary or surrender a primate licence;
 - (b) give a rectification notice to a person under regulation 15; or
 - (c) revoke or vary a person’s primate licence under regulation 16.

Representations

2. The local authority must inform the person of their right to make representations under this Schedule.

3. The person may make written representations to the local authority within the period of 28 days beginning with the date on which the person is first notified of the decision.

Reconsideration

4. If the person makes written representations within the period referred to in paragraph 3, the local authority must reconsider the decision.

5. The local authority must notify the person of the outcome.

6. If the outcome of the reconsideration is to grant the application, vary or withdraw the notice or rescind the revocation or variation, the local authority must do that.

7. If the outcome is to continue to refuse the application, to proceed with the notice (with or without variation) or to proceed with the revocation or variation, the local authority must also notify the person of their right to appeal.

Appeals

8. In a case referred to in paragraph 7, the person may appeal to the First-tier Tribunal within the period of 28 days beginning with the date on which they are notified under that paragraph.

9. On appeal, the First-tier Tribunal may—
 - (a) uphold the decision of the local authority; or
 - (b) require the local authority (as the case may be) to—
 - (i) grant, renew, vary or surrender the primate licence;
 - (ii) withdraw or vary the notice; or
 - (iii) rescind the revocation or variation.

Suspension of local authority decision

10. Until the time specified in paragraph 11—
 - (a) a primate licence for which an application for renewal has been made does not expire;
 - (b) a rectification notice does not have effect;
 - (c) the revocation or variation of a licence under regulation 16 does not have effect.

11. For the purposes of paragraph 10, the time is whichever is the later of—

- (a) the end of the period for making representations under paragraph 3;
- (b) if representations are made during that period, the end of the period for making an appeal under paragraph 8;
- (c) if an appeal is made within that period, the time when the appeal is finally determined or withdrawn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the protection of the welfare of primates that are kept in England.

Part 1 provides that a person who keeps or is proposing to keep a primate in England on or after 6th April 2026 may only do so if the person has a primate licence under these Regulations or an exception applies. Regulation 4 specifies two exceptions for these purposes, namely where the primate is kept in a zoo under the authority of a licence granted under the Zoo Licensing Act 1981 (c. 37) or where the primate is kept in a place specified in a licence under section 2C of the Animals (Scientific Procedures) Act 1986 (c. 14). A primate licence must be obtained from the local authority in whose area the premises at which the primates are kept or to be kept are situated. A person who keeps a primate in England without a primate licence (where required) will be committing an offence under section 13(6) of the Animal Welfare Act 2006 (c. 45) (“the 2006 Act”) and will be liable on summary conviction to imprisonment for a term of up to six months, a fine or both.

Part 2 sets out how an application for a primate licence is to be made, how local authorities are to determine whether to grant an application for a primate licence and how primate licences are to be renewed, varied or surrendered. Local authorities must attach the licence conditions set out in Schedule 1 to each primate licence and may charge fees in respect of applications relating to primate licences and inspections arranged under this Part.

Part 3 makes it an offence for the holder of a primate licence to fail to comply with a licence condition. Any person who is convicted of this offence is liable on summary conviction to a fine. Part 3 also makes further provision for enforcement by conferring powers on local authorities to serve rectification notices and to revoke or vary primate licences.

Part 4 and Schedule 2 make provision for representations and appeals to be made in relation to certain decisions made by local authorities under these Regulations.

The powers of entry and search under warrant in section 23 of the 2006 Act apply to an offence under section 13(6) of the 2006 Act. Regulation 18 also makes provision for the breach of a licence condition to be treated as a relevant offence for the purposes of section 23 of the 2006 Act. Regulation 19 provides for various post-conviction powers in the 2006 Act to be exercisable in relation to offences under regulation 14. Regulation 20 requires a local authority to have regard to any guidance given by the Secretary of State in the exercise of the local authority’s functions under these Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

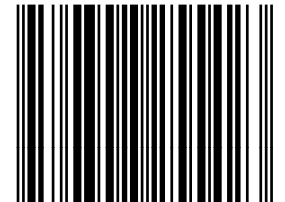
© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty’s Stationery Office and King’s Printer of Acts of Parliament.

£8.14

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

ISBN 978-0-34-825542-3



9 780348 255423