

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### ANIMAL WELFARE (KEPT ANIMALS) BILL

*Third Sitting*

*Tuesday 16 November 2021*

*(Morning)*

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CLAUSE 1 agreed to, with an amendment.  
SCHEDULES 1 AND 2 agreed to, with amendments.  
CLAUSES 2 TO 5 agreed to, with amendments.  
SCHEDULE 3 agreed to, with amendments.  
CLAUSES 6 TO 19 agreed to, some with amendments.  
CLAUSE 20 under consideration when the Committee adjourned till this day at Two o'clock.

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**not later than**

**Saturday 20 November 2021**

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**The Committee consisted of the following Members:**

*Chairs:* GERAINT DAVIES, † ESTHER McVEY

- |                                                           |                                                                                                      |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| † Begum, Apsana ( <i>Poplar and Limehouse</i> ) (Lab)     | † Moore, Robbie ( <i>Keighley</i> ) (Con)                                                            |
| † Blake, Olivia ( <i>Sheffield, Hallam</i> ) (Lab)        | † Prentis, Victoria ( <i>Minister of State, Department for Environment, Food and Rural Affairs</i> ) |
| † Daly, James ( <i>Bury North</i> ) (Con)                 | † Saxby, Selaine ( <i>North Devon</i> ) (Con)                                                        |
| † Doogan, Dave ( <i>Angus</i> ) (SNP)                     | Stevenson, Jane ( <i>Wolverhampton North East</i> ) (Con)                                            |
| † Evans, Dr Luke ( <i>Bosworth</i> ) (Con)                | † Wheeler, Mrs Heather ( <i>South Derbyshire</i> ) (Con)                                             |
| † Glindon, Mary ( <i>North Tyneside</i> ) (Lab)           | † Zeichner, Daniel ( <i>Cambridge</i> ) (Lab)                                                        |
| † Grundy, James ( <i>Leigh</i> ) (Con)                    |                                                                                                      |
| † Hudson, Dr Neil ( <i>Penrith and The Border</i> ) (Con) | Sarah Thatcher, Abi Samuels, <i>Committee Clerks</i>                                                 |
| † Johnson, Kim ( <i>Liverpool, Riverside</i> ) (Lab)      |                                                                                                      |
| † Lake, Ben ( <i>Ceredigion</i> ) (PC)                    |                                                                                                      |
| † Mackrory, Cheryln ( <i>Truro and Falmouth</i> ) (Con)   | † <b>attended the Committee</b>                                                                      |

## Public Bill Committee

Tuesday 16 November 2021

(Morning)

[ESTHER McVEY *in the Chair*]

### Animal Welfare (Kept Animals) Bill

9.25 am

**The Chair:** Before we begin, I have a few preliminary reminders for the Committee. Please switch electronic devices to silent. No food or drink is to be consumed during sittings except for the water provided. Members are expected to wear masks when they are not speaking, in line with current Government guidance and that of the House of Commons Commission. I remind Members that they are asked by the House to have a covid lateral flow test twice a week if coming on to the parliamentary estate. That can be done either at the testing centre in the House or at home. Please give each other and members of staff space when seated, and when entering and leaving the room. *Hansard* colleagues would be grateful if Members could email their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

We now begin line-by-line consideration of the Bill. The selection list for today's sittings is available in the room. It shows how the selected amendments have been grouped together for debate. Amendments grouped together are generally on the same or a similar issue. Please note that decisions on amendments take place not in the order they are debated but in the order they appear on the amendment paper. The selection and grouping list shows the order of debates. Decisions on each amendment are taken when we come to the clause to which the amendment relates. Decisions on new clauses will be taken once we have completed consideration of the existing clauses. Members wishing to press a grouped amendment or new clause to a Division should indicate when speaking to it that they wish to do so.

#### Clause 1

PROHIBITION ON KEEPING PRIMATES WITHOUT A LICENCE

**Daniel Zeichner** (Cambridge) (Lab): I beg to move amendment 91, in clause 1, page 1, line 7, leave out from “primate” to second “under”.

*This amendment would prohibit the keeping of primates as pets in England.*

It is a pleasure to see you in the Chair, Ms McVey, and to be back in Committee Room 10 discussing these issues, which some of us have spent many a happy hour doing. I look forward to an excellent debate over the next few days. I think we all enjoyed the excellent witness sessions last week, from which we learned a great deal, and there is much common ground. Both parties promised this Bill in their election manifestos, and I am delighted that the Government have put Members on the Committee who have expertise and interest in it. I strongly encourage them to speak, intervene and vote with their hearts when the moment comes. I am looking at the Government Whip; I know that she will encourage them to do that.

On one level, the Bill is quite dry, and it is a mixture of things, but it sits within the wider framework of the Government's action plan for animal welfare, which was published some months ago, and was well received by Members on both sides of the House. It covers a lot of ground. When rereading it, I could not help noticing that, as in many documents from Governments of all colours, there is a kind of year zero, as if nothing happened before 2010 and all the good things have happened since. Indeed, in his introductory speech on Second Reading, the Secretary of State referred to 1822 and then jumped to 2010. Of course, Labour is quite proud of the Animal Welfare Act 2006, which was significant. Much that we will discuss comes on the back of that groundbreaking legislation, but we will let that pass in a spirit of generosity, as we work together.

There is a slight problem with understanding how all the legislation fits together. That starts with the amendment and clause 1. When the animal welfare action plan refers to the Bill, it talks about

“ending the low-welfare practice of keeping primates as pets”.

I immediately wonder what that means. There is not a ban, as far as I can see. I will return to that point later. The plan starts with sentience, which is quite logical, although of course, as so often in this place, we have not started with that. Debate on that started in the other place, and doubtless we will talk about it in the months, or possibly weeks, ahead.

The plan goes on to cover animals abroad. I will perhaps gently press the Minister occasionally during these discussions on where that measure has got to. There seems to be some speculation that it may have got lost temporarily. We would be interested to hear more, as some of the issues that we would have liked to raise in the Bill may well have been in that measure.

Overall, there is a slight sense of an out-of-control shopping trolley veering along the aisles of animal welfare goodies, seeking to find the odd crowd-pleaser along the way. That is not how we would have done things, but here we are. There is a rather odd mix of things in the Bill, and perhaps to everyone's slight surprise, we begin the journey of tackling all the issues around animal welfare with primates. Amendment 91 to clause 1 deals with that. It is a simple amendment, because it merely translates what is in the Bill to what was promised in the Conservative manifesto.

I admit to being slightly unkind, but I took another look at the manifesto—during elections, we all rush around and try to find time to read manifestos—and was delighted to find a happy picture of the hon. Member for Penrith and The Border. I know we are not supposed to wave things around when we are speaking, but I have a copy with me: it is a very nice picture. Next to him is a list of all the animal welfare things that are going to be done, including this statement:

“We will ban keeping primates as pets.”

The manifesto does not say that the Conservatives would ban the keeping of primates as pets unless someone has a licence. That is rather different, but that is what the Bill says. It goes into great detail on how a licensing system will be set up, and we will spend a lot of time discussing that this morning. However, that is not banning the keeping of primates as pets. Despite my attempt to make this amendment, I suspect that we will go on to discuss many of those issues. There are a range of other

things in the manifesto, including an ivory ban, which I have referenced, so I commend the Conservative manifesto to Conservative Members, and we will hold them to account on it.

During the evidence sessions, we heard excellent evidence from witnesses on this issue. It is clear that the number of primates in this country that are not in zoos or research institutions is hard to estimate. We really do not know the number, which makes this quite difficult. However, I understood from the evidence that there are very few people who can provide the zoo-equivalent conditions in which, the Government argue, primates can reasonably be kept. The number may be hundreds, although I am sceptical that it is as many as that. We heard from many organisations, both in oral and written evidence. Interestingly, we also heard from Members on both sides of the House on Second Reading who believe, as Labour does, that primates should not be kept as pets, whether licensed or not. That is because primates are intelligent and socially complex creatures. Their physical, behavioural and environmental needs mean that they cannot be kept properly in a household environment. However well-intentioned the keeper, their suffering is all but inevitable. I will press the Minister on what a good environment might look like. We heard what a bad environment looks like—the awful cases of people keeping primates in parrot cages—but what conditions are good enough? I do not think that that is set out in the Bill.

Primates kept in domestic settings are liable to experience a host of welfare issues that can result in profound physical and psychological harm. For good welfare, both physical and psychological health must be ensured. Primates need to be kept in social groups, in complex, specially designed indoor and outdoor facilities, as I have just said. Generally, when kept as pets, primates do not have access to such facilities, and sadly, all too often, owners lack knowledge and understanding of the species they own, with inevitably serious welfare implications. That is why we all want this to stop.

The Royal Society for the Prevention of Cruelty to Animals and the consultation on the Bill have exposed some awful stories of primates being kept in the kind of cages that I have described. They are also given unsuitable diets and can become sick as a result of not being exposed to proper light and heat levels. The evidence against keeping primates as pets is so strong that it has resulted in broad consensus among all those concerned with animal welfare that it should stop.

The danger of a licensing system, I am afraid, is that it will potentially allow the private owning, breeding and selling of pets to continue in perpetuity. This is not a ban; it is a licence. The RSPCA, Blue Cross and Wildlife and Countryside Link have all expressed their grave disappointment that the Government have opted for a licensing system rather than a ban. The British Veterinary Association has also raised concerns about the system.

We have identified a further inconsistency. Schedule 5, which the Committee will debate on Thursday when we come on to zoos, sets out the underlying principle of the Secretary of State's zoo standards and licensing system: that as a society we do not approve of the keeping and breeding of animals in captivity unless there is a

conservational and educational remit. Zoos are not allowed to keep animals for entertainment or hobby purposes only.

If privately owned primates are to be kept and traded under licence to the zoo welfare standard, frankly we think that the accompanying principles should be the same. It is widely recognised elsewhere in Europe that personal gain or hobby is not a sufficient justification for welfare compromises on the captivity of a wild animal. We believe that there is a need for a licensing system for genuine rescue and sanctuary, but that is different, and it would require clear definition and criteria.

Let us examine a further objection. The Government argue that the Bill will ban keeping primates as pets but will allow individuals who can keep primates to zoo quality standards to maintain ownership. A recent conversation with the RSPCA reconfirmed what is palpably obvious: whether an animal is deemed a pet is based on the purpose of keeping it, not on the standard of care. That position is backed up by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

An animal kept in a domestic environment, however fancy and well equipped, is a pet. I know of several cats in Cambridge that live in the lap of luxury—not mine, sadly—with a quality of life high enough to please even the wealthiest of individuals, but it would be ludicrous to say that they are not pets.

The licensing system proposed in the Bill categorically fails to live up to the promises of the manifesto on which the Government were elected, which is why we have tabled amendment 91. I am afraid that it is for the Minister to explain why she does not think that the manifesto promise should be honoured.

Our amendment would put an end to keeping primates as pets. It would avoid the inevitable failures that I fear will result from the Government's proposed licensing system—not least because, beyond allowing the practice of keeping pets as primates to continue, licensing will effectively create a sanctioned system for breeding and selling primates, as the RSPCA noted in oral evidence. That will do nothing to reduce the primate population; it could allow it to grow and could allow people to continue to profit from the domestic ownership of primates.

In the evidence session, we also heard the likely consequences of the Government's expectation that local authorities with no extra resources will have to pick up the pieces of what we think is a flawed system. As we all know, the past 11 years have left local authorities struggling, to put it mildly. Most are struggling, and when it comes to animal welfare duties, I fear that many lack the experience and skills to carry out the task—a point to which we will return. Now it seems that the Government are proposing that primates whose keepers fail to meet the requirements of the licence should become the responsibility of the local council.

In our discussion of the Bill's various clauses and amendments, there is an issue that I think the Committee should address. It is not clear what will happen to the potentially thousands of pet primates that will be taken from their owners as a result of measures introduced in the Bill. Whether there is a complete ban or a licensing system, that question really has to be addressed.

Beyond the care of primates whose keepers are unable to obtain a licence, there is also the question of enforcement. I fear that the system will put extra strain on councils.

[Daniel Zeichner]

They will need to oversee licensing and conduct premise inspections, which are quite likely to have to be carried out by people who are not primate experts. Potentially, the system will also leave primates at the whim of a postcode lottery: their standard of care will vary significantly, depending on which council has responsibility for them.

Then there is the licensing. Despite the claims that the Bill will dramatically improve the welfare of primates, I am afraid that the Government are at risk of presiding over a situation in which animal welfare organisations are expected to give an opinion on licensing standards that they have not seen, and we in turn are expected to vote on licensing standards that we have not seen. This is an important decision, so we will press the amendment to a vote. There is a clear choice: a ban or a licensing system. The amendment will give many Committee members the opportunity to fulfil one of their election manifesto commitments if they come with us and ban the keeping of primates as pets.

**The Minister of State, Department for Environment, Food and Rural Affairs (Victoria Prentis):** It is a great pleasure to serve under your chairmanship, Ms McVey. As I said at the conclusion of the Second Reading debate, this House has been passing animal welfare legislation since 1635. I very much view the Bill as being on that continuum. We try to deal with all creatures great and small, but we cannot do that in every single Bill. I view the Bill as part of the ongoing journey since 1635. I see it not as a wobbly supermarket trolley, but as being on a trajectory towards better animal welfare. I will focus my remarks on the Bill, when I can; we will deal with many amendments that seek to go broader.

“Primates are long-lived, intelligent, socially-complex animals. They engage in imaginative problem-solving, form intricate social relationships, and display complex patterns of behaviour. Being social is a striking feature of primates, and perhaps the most important in terms of meeting their needs. With few exceptions, they live in complex societies that can comprise tens of individual animals.”

That statement is found in our “Code of Practice for the Welfare of Privately Kept Non-Human Primates”. It is always worth remembering that we are all, of course, primates in the wider sense. That code sets important parameters within which primates thrive.

The amendment seeks an outright ban with no exemptions. We need to focus on the welfare of the primate. We propose a licensing scheme for primates who are kept outside zoos, but to very high zoo standards. The fear is that if we have an outright ban, as the amendment suggests, we would trigger a rehoming crisis, which might lead to primates being euthanised. It is possible that there are up to 5,000 primates being kept privately in the UK, and if a ban comes in overnight, they would overwhelm rehoming capacity.

We heard powerful evidence last week from Dr Jo Judge of the British and Irish Association of Zoos and Aquariums and Dr Alison Cronin of Monkey World, who both supported our approach. Dr Judge said:

“there are a number of responsible, registered—with BIAZA—keepers who keep their animals to...the highest level. We are very much in favour of banning

primates

“as pets but allowing a licensing system for responsible keepers.”—  
[Official Report, *Animal Welfare (Kept Animals) Public Bill Committee*, 9 November 2021; c. 24, Q32.]

Dr Cronin said:

“somebody’s back garden might have higher standards than...Monkey World”,—[Official Report, *Animal Welfare (Kept Animals) Public Bill Committee*, 9 November 2021; c. 29, Q41.]

which is her own organisation.

Some of these private keepers help zoos manage excess primate stock, including primates who, for temperamental reasons, are not suited to a zoo environment. In our public consultation on this issue, only 19 respondents out of 4,500 opposed our licensing scheme.

I reassure the hon. Member for Cambridge that as part of the new standards for keeping primates, the code of practice will be backed up with secondary legislation that will be subject to the affirmative procedure in this House, so we will have many more opportunities to consider the way in which they are kept, and I respectfully ask him to withdraw his amendment.

**Daniel Zeichner:** The Minister gives it a good try, and I do not dispute her good intentions, but I think there is a fundamental problem. A number of responsible keepers could mean anything from zero to 5,000, and we heard in evidence that numbers are relatively low. My worry is that the crisis that she talks about will happen regardless. That is the problem, and the Bill presents no solution to it, so far as I can see.

9.45 am

I think we have a problem coming down the track. I suspect that, as so often happens in this place, we will pass legislation that we do not really have the means to enforce. A few years later, people will look back and wonder why it did not work, and they will have another try. That is the danger. The fundamental difficulty is what we do when we have thousands of primates in this country who, frankly, probably should not be here. It is an historical question, and, as on so many things we seem to be struggling with these days, we might ask how we got here. It was probably because of the ill-advised actions of a number of people in the past that we cannot necessarily undo now, even though we should be pretty clear, looking back, that what they did was not sensible.

What do we do? I think there are two approaches. My worry is that the crisis that the Minister describes will happen with the licensing system in the same way as it would without it, but with the added problem that we will have created a small group of people—I suspect that they will predominantly be pretty wealthy people—whom we indulge by allowing them to continue keeping primates as pets. That was not among the headline promises made by either party in their manifesto, and we will run the risk of keeping the problem going in perpetuity.

Although I do not underestimate the difficulties, and certainly do not underestimate the advice given by some of the witnesses, I think that when they were pressed last week, we could see that they would not be able to cope with such numbers. I will come back to this later, but I rather dread a situation in which the local town hall finds a primate dumped in reception. That would not be good for the primate, and it would be absolutely hopeless for the poor council officer who is left with the problem of what to do. I am afraid the Bill does not solve that problem, so we will push the amendment to a vote because we think there should be a proper ban.

*Question put*, That the amendment be made.

*The Committee divided*: Ayes 6, Noes 9.

#### Division No. 1]

##### AYES

Begum, Apsana	Johnson, Kim
Blake, Olivia	Lake, Ben
Glendon, Mary	Zeichner, Daniel

##### NOES

Daly, James	Moore, Robbie
Evans, Dr Luke	Prentis, Victoria
Grundy, James	Saxby, Selaine
Hudson, Dr Neil	Wheeler, Mrs Heather
Mackrory, Cherylyn	

*Question accordingly negated.*

**Victoria Prentis:** I beg to move amendment 3, in clause 1, page 1, line 7, leave out “anywhere in England”.

*This amendment results in Part 1 of the Bill applying to Wales. There follow a number of other amendments in the name of the Minister which enable Part 1 to operate in relation to Wales. Functions under Part 1 that in England are conferred on the Secretary of State will, in Wales, be conferred on the Welsh Ministers.*

**The Chair:** With this it will be convenient to discuss Government amendments 71 to 78, 5 to 9, 79 to 81, 15 to 17, 19 to 25, 27 and 28, 30 to 35, 59 and 60, and 65 to 67.

**Victoria Prentis:** We have worked closely with the Welsh Government to ensure that the protections that this Bill provides to primates in England can be extended to Wales.

**Daniel Zeichner:** I am not going to make a longer speech. I am very pleased to see that the Welsh Government have come forward on this Bill. I am sure they would share many of the Opposition’s objections, but we are not going to go through amendment by amendment and query it. Clearly there are a lot of technical changes that have been made, and it would be in the interest of the Committee to get them through.

*Amendment 3 agreed to.*

*Question proposed*, That the clause, as amended, stand part of the Bill.

**Victoria Prentis:** This clause, as amended, will prohibit the keeping of primates in England and Wales without a primate licence unless the primates are being kept under another licensing regime, for example, the Zoo Licensing Act 1981. Anyone keeping a primate without a licence, or without being subject to an exemption, will be committing an offence and will be subject to the maximum penalty of an unlimited fine on conviction. The goal of this legislation is to ensure that primates are not kept in unsuitable welfare conditions that are bad for their health. Primates are wild animals with complex needs. Where keepers have sufficient knowledge, time and resources it is possible to meet a primate’s needs in private ownership, as it is in a zoo or rescue centre. I therefore move that this clause stand part of the Bill.

**Daniel Zeichner:** This is the nub of the question: is it possible for these creatures to be kept in these kind of standards? I am not sure if the issue is whether it should be private or public ownership. We will possibly come back to the definition of zoos, rescue centres and sanctuaries, which prompt some big questions. There is a profound difference of opinion here. When one sees the documentaries one is struck by how complex and sophisticated these creatures are. There has been a long philosophical debate over the centuries considering our relationship with these complicated creatures, and I suspect that this is not the end of the story. I fear that we will look back—I am not sure we all will, but some of us will—in decades to come and think that we could have moved quicker towards a position where we treat these creatures with the respect that they deserve. I fear we have not gone far enough today. I suspect that we are now going to go on to discuss the details of a licensing system, but the Opposition do not think that there should be one.

*Question put and agreed to.*

*Clause 1, as amended, accordingly ordered to stand part of the Bill.*

#### Schedule 1

##### TRANSITIONAL PROVISION RELATING TO PRIMATES

*Amendment made:* 71, in schedule 1, page 34, line 7, after “regulations” insert—

“made by the appropriate national authority”.—(*Victoria Prentis.*)  
*This amendment provides that regulations under paragraph 1(1)(a) of Schedule 1 are to be made by the appropriate national authority.*

**Daniel Zeichner:** I beg to move amendment 115, in schedule 1, page 34, line 15, leave out—

“basic welfare needs of the primate”

and insert—

“welfare needs of the primate as required by the Animal Welfare Act 2006 and the Code of Practice for the welfare of privately kept non-human primates”.

*This amendment would clarify that keepers must meet the Animal Welfare Act requirements and the associated Code.*

**The Chair:** With this it will be convenient to discuss amendment 114, in clause 15, page 8, line 29, leave out—

“basic welfare needs of the primate”

and insert—

“welfare needs of the primate as required by the Animal Welfare Act 2006”.

*This amendment would clarify that keepers must meet the Animal Welfare Act requirements and the associated Code.*

**Daniel Zeichner:** We are obviously disappointed that we are on to these amendments, because we hoped the strength of our arguments would see the overwhelming weight of the Government machine defeated. We are where we are, but I say to Conservative Members, the Government are not that scary—though perhaps they are scary actually, as I am terrified.

Labour will continue to work in collaboration with animal welfare groups, zoos and primate experts in pushing for a full ban. That will remain one of our key animal welfare policies, and it may well become an issue at any future election. However, if the Government are determined to steam ahead with—as we call it—this manifesto-breaking primate-licensing system, it is important that we get as good a system as we can, so we will begin to go through the proposals in detail.

[Daniel Zeichner]

I have one observation, which I will probably come back to: given the numbers of people to whom this licensing system might apply, we will spend a lot of time and effort on a very complicated system. Furthermore, I notice that, under a clause later in the Bill, the system could be modified for use for other creatures. Is this something of a Trojan horse? The Minister looks entirely innocent, of course.

We might need to think about the system in those terms, however, because a system that is suitable for primates might not necessarily be suitable for other creatures. Given how this place works, such changes can be made through regulations and, even though we euphemistically say that that is subject to rigorous parliamentary scrutiny, we know full well that for anything in regulations to be overturned is rare—it is hard to do—so we are thinking about the measure in wider terms than just primates. I cast that as a warning.

Our amendments 115 and 114 seek to improve the welfare of primates by altering the language of the Bill to ensure that, during the transition period proposed by the Bill and during suspension periods, keepers are obliged to ensure that primates' welfare meets the standards required by the Animal Welfare Act, to which I have referred. The Act sets out a broad set of principles that will be useful in the Bill, to apply to any licensing system such as this one. I hope the Government do not have a problem with our proposal. The wording in the Bill seems a touch meagre, because it requires keepers to fulfil only the

“basic welfare needs of the primate”.

The amendments strengthen the schedule

I hope that the Minister will explain the thinking behind the temporary, transitional registration approach. I found the extra level slightly hard to follow. I understand the concerns about a possible sudden rush, and about how we do not wish to create a welfare crisis, but if the system only lasts for a year, the real danger is that we just postpone the point at which that rush and the problem begin to happen.

I might have misunderstood the nature of the proposal, which may not be there just for a year, in which case it becomes a permanent transition—[*Interruption.*] The Minister is shaking her head, so I possibly have understood it correctly. In the evidence sessions, the Committee did not explore that as closely as we perhaps should have done, because we will have a licensing system and a transitional registration system.

We will not press our amendment to a vote. This is a genuine attempt to understand what the Government propose. I continue to fear that it has not been thought through fully, in part because the problem is so difficult. I will welcome the Minister's comments.

**Victoria Prentis:** Amendment 114 states that primates kept under direction must have their welfare needs met as laid out under the Animal Welfare Act, as the hon. Gentleman said. We all agree, of course—but we disagree with the need to restate it. Requirements under the Animal Welfare Act are not negated by the Bill; they simply do not need to be repeated by the Bill.

Amendment 115 requires keepers to adhere to the Animal Welfare Act—of course—and to the code of practice for primates, which I made reference to earlier.

Primate keepers are already required to do both those things. The code explains what keepers must do to meet the requirements of the Animal Welfare Act. Again, that does not need restating. I would, however, like to take the opportunity to allay some of the hon. Gentleman's concerns about the transitional period.

10 am

The Government acknowledge that there will be existing primate keepers who cannot meet the licensing standards to obtain a private primate keeper licence, and we expect that some existing primates will need to be rehomed. The transitional provisions, outlined in schedule 1, allow existing keepers, local authorities and rehoming centres time to adapt to the new legislation. Existing keepers will have two years to either meet the standards and obtain a primate licence or rehome their primate with a licensed keeper. The one-year period relates to the application for the licence; they then have another year to ensure that they can meet it. During the second year, they must register their primate with the local authority and meet its basic welfare needs.

**Daniel Zeichner:** I hear that, and I am grateful for the clarification that it effectively adds up to two years. However, I still do not understand where the Government think these creatures are going to go.

**Victoria Prentis:** Part of the issue, as we heard in evidence, is that we are not clear on how many primates are in private ownership. That is why we thought very carefully about the new licensing system. As people will initially have to register their primates, we will then know the extent of the problem. We are working extremely closely with rehoming centres and zoo centres to make sure that within that two-year period there will be places for all the primates that need to be rehomed. The system will give local authorities time to determine the scale of ownership, and rehoming centres willing and able to take on new primates will have time to prepare to do this once we know the scale of the problem in each area.

That is why, instead of an outright ban as suggested in previous amendments, we have selected this licensing system as the most humane way to go, and the way that we hope will lead to healthy primates not needing to be euthanised. I therefore respectfully ask the hon. Gentleman to withdraw his amendment.

**Daniel Zeichner:** This has been a useful exchange, although it also shows some flaws in the way we do things in this House, in the sense that we are having to divine the Government's thinking through pulling apart legislation. It would be helpful to have an overview of what is trying to be achieved. I have genuine sympathy, as this is a very difficult problem. However, I remain unconvinced. In the evidence session, I asked a witness—I believe it was the RSPCA, right at the beginning—that if I were to wander around my constituency, would I randomly come across people who keep primates? To my astonishment, the answer was yes, although I will not be breaking into people's gardens to look.

However, I am sceptical about the likelihood of the kind of people who behave like that coming forward to register in a timely manner to allow the local authority to respond in a rational way. I fear it is far more likely, as is often the case with new legislation, that a few



law-abiding, sensible people will come forward, but the vast majority will not. Therefore, we will end up—at the halfway point or at two years—with the exact same problem we had at the beginning. I do not think we will have come any further forward. I do not have a clear solution to this problem, but I am sceptical as to whether the Government have a solution to it either.

We will not push this amendment to a vote, but I do think we have learned something. I suspect that as we continue this process, there will be more discussion, more thought, and maybe some suggestions as to how we can resolve it. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendments made:* 72, in schedule 1, page 34, line 19, leave out “Secretary of State” and insert “appropriate national authority”.

*This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.*

*Amendment 73, in schedule 1, page 34, line 23, leave out from “who” to “may” in line 24 and insert, “meets the application condition in relation to a primate”.*

*This amendment relates to the application of Part 1 to Wales (see the explanatory statement to Amendment 3), and provides that an application for registration under the Schedule may be made if the application condition (see Amendment 76) is met.*

*Amendment 74, in schedule 1, page 34, line 25, after “regulations” insert, “made by the appropriate national authority”.*

*This amendment provides that regulations under paragraph 3(1) of Schedule 1 are to be made by the appropriate national authority.*

*Amendment 75, in schedule 1, page 34, line 26, after “premises” insert, “in which the primate is kept”.*

*This amendment provides that applications under this Schedule are to be made to the local authority in whose area the primate is kept.*

*Amendment 76, in schedule 1, page 34, line 26, at end insert—*

*“(1A) “The application condition”, in relation to a primate, means—*

- (a) in the case of an application to a local authority in England, that the individual kept the primate in premises in England or Wales immediately before the date specified under paragraph 1(1)(a) in regulations made by the Secretary of State;*
- (b) in the case of an application to a local authority in Wales, that the individual kept the primate in premises in England or Wales immediately before the date specified under paragraph 1(1)(a) in regulations made by the Welsh Ministers.”.—(Victoria Prentis.)*

*This amendment sets out the condition that must be satisfied for an application under paragraph 3(1) of the Schedule to be made.*

*Question proposed,* That the schedule, as amended, be the First schedule to the Bill.

**Victoria Prentis:** The schedule introduces the transitional registration scheme that we were just talking about, for those who keep primates before the prohibition in clause 1 comes into force. The schedule will cease to have effect one year after the prohibition of keeping a primate under clause 1 comes into force.

**Daniel Zeichner:** I do not have much to add, other than that I am not sure the general discussion has fully appreciated the role that this schedule plays in the transitional process. As I have already suggested, I have some worries as to how successful it is likely to be. I

suspect the numbers will be low. I hope I am wrong. I am not sure how the Government plan to promote this, or how people who should register will know about it or how they will be prompted. A range of questions comes to mind. I can see what the Government are trying to do with this measure, but I am sceptical about its chances of success. Let us hope it helps us find a way out of this tricky situation.

*Question put and agreed to.*

*Schedule 1, as amended, accordingly agreed to.*

## Schedule 2

### OFFENCES RELATING TO PRIMATES: FIXED PENALTY NOTICES

*Amendments made:* 77, in schedule 2, page 38, line 30, at end insert

“in the case of local authorities in England, or the Welsh Consolidated Fund in the case of local authorities in Wales.”

*This amendment and Amendment 78, taken together, provide for sums received by local authorities in Wales under Schedule 2 to be paid into the Welsh Consolidated Fund, subject to deduction of investigation costs.*

*Amendment 78, in schedule 2, page 38, line 31, after “Fund” insert “or Welsh Consolidated Fund”—(Victoria Prentis.)*

*See the explanatory statement to Amendment 77.*

*Question proposed,* That the schedule, as amended, be the Second schedule to the Bill.

**Victoria Prentis:** The schedule allows a local authority to issue fixed penalty notices where it is satisfied that the person has committed an offence relating to the keeping, breeding or transferring of primates. Fixed penalty notices will allow local authorities greater flexibility in their enforcement of the offences outlined in part 1, and will alleviate some of the burden on them associated with pursuing prosecutions through the courts, which can take time and money. It also allows a more proportionate response to lower-level offending and will enable us to act quickly to ensure that primates are kept in appropriate conditions.

**Daniel Zeichner:** Again, there is not a great deal to be said, other than, as with my earlier observation, that we are setting up a complicated system—understandably, if one assumes that the licensing system is likely to work. I wonder how many cases we will actually see processed through this system.

There is one point I do worry about: as I read it, if someone pays the fixed penalty notice within the relevant period of 14 days, it is a bit like a parking ticket, in that there is a 50% reduction, and there will be a fine of only £2,500. Given the costs and the scale at which some who keep primates might be operating, I wonder whether that is a sufficient deterrent. To some extent that touches on another piece of legislation in the Government’s animal welfare action plan, which is the private Member’s Bill on fixed penalty notices, which I believe will soon be going to Committee. In the Second Reading debate on that Bill, I raised the concern that although I understand the benefit to enforcement agencies of having an extra, more flexible tool in the box, there is a potential risk that one could end up diminishing the severity of the penalty for the more serious offences. I feel that that is beginning to creep in here. I do not want a situation in which people for whom £2,500 is not a great deal of

[Daniel Zeichner]

money just feel that this fine is like a parking ticket—they do not really bother about it and can carry on doing what they are doing. That is cause for concern, and I would welcome the Minister's comments.

**Victoria Prentis:** I will be brief. The fixed penalty notice as a tool in the toolbox is a very good description. I remind the Committee that, of course, if the ultimate offence, which we have just created and which is to keep a primate without a licence, is committed, the fine is unlimited.

*Question put and agreed to.*

*Schedule 2, as amended, accordingly agreed to.*

## Clause 2

### PRIMATE LICENCES

**Victoria Prentis:** I beg to move amendment 4, in clause 2, page 2, line 6, after “species” insert “at such premises”.

*This amendment spells out that a primate licence must specify the premises to which it relates.*

**The Chair:** With this it will be convenient to discuss Government amendments 10 to 14 and 18.

**Victoria Prentis:** The purpose of the amendments is to strengthen the functions of local authorities under the new licensing regime. Amendment 4 will ensure that the premises where the primate is kept are stated on the licence. Amendments 10 and 14 allow local authorities to take into account any previous failure of the applicant to meet licensing standards, and any other conduct of the applicant that is deemed relevant, when deciding whether to grant or renew a licence.

Amendment 12 allows local authorities to decide whether to grant an application to vary the licence of an applicant who wishes to reduce the number of primates specified on their licence. That may not always be appropriate, as primates are social animals and a minimum social grouping size may well be needed to ensure that they thrive.

Amendment 11 makes it clear that licence holders may apply to vary the specified premises on their licence only when the new premises are located in the same local authority area. Amendment 13 provides that where the licence holder moves the primate to new premises, the local authority will be required to arrange an inspection before granting the application. Amendment 18 ensures that any guidance issued to local authorities on the implementation of the primate licensing regime is made publicly available.

*Amendment 4 agreed to.*

**Daniel Zeichner:** I beg to move amendment 105, in clause 2, page 2, line 8, leave out “six” and insert “two”. *This amendment would reduce the length of a licence from six years to two.*

You will be delighted to know, Ms McVey, that this is not a complicated amendment. This is basically the question of how long the licence exists for. We think that six years is too long. I think that evidence was given by some of the witnesses that agreed with us on that. We think that two years might be a more appropriate period. I suspect that, under other amendments, we will

come to the issue of who is really suited to do these kinds of checks. My suspicion is that the average local authority, because it is a district local authority, is going to struggle to have this expertise. To some extent, it could be argued that if it were going to struggle every six years, it would struggle even more every two years, but we think that this is a flawed system and that six years is just too long. We would rather the checks be more frequent, although overall, as I have said before, we would rather the provision not be needed at all.

**Victoria Prentis:** We believe that six years is the right length for a primate licence. The length of the licence and the number of inspections, which I will detail in a minute, is in line with the Zoo Licensing Act 1981 and the Dangerous Wild Animals Act 1976. Before a licence is granted in the first place, the primate will be assessed by a veterinary surgeon. The six-year licensing period then involves at least two more inspections by an inspector appointed by the local authority. We anticipate that those inspections will be spaced relatively evenly over the six-year period.

We are also looking very carefully at, and working with expert groups on, what we can put in the regulations about the care of primates. For example, we might look at making an annual vet visit a requirement. I therefore ask that the hon. Gentleman withdraw the amendment.

**Olivia Blake** (Sheffield, Hallam) (Lab): Is the licensing scheme aimed at encouraging people to no longer keep primates as pets? Perhaps six years gives the impression that this is an okay practice to continue in perpetuity, while two years would perhaps accelerate the process of people no longer wanting to keep primates as pets.

**Victoria Prentis:** For the reasons we set out in earlier debates, the aim of this legislation is to ensure that primates are kept to very high—at least zoo-level—welfare standards and that those who keep them comply with those conditions. It is for that reason that we put in the six-year period, in line with other zoo and dangerous wild animal licensing regimes. We very much view this provision as part of that package. There will be regular inspections throughout that period, and the main thing is to ensure that the primate is properly kept.

10.15 am

**Olivia Blake:** I assume that the licensing will provide some financial benefit to local authorities so they are able to undertake this work. Will the pricing of the six-year licence guarantee that they are able to provide the necessary services? Would a two-year licence not provide more income for local authorities so that they can do the work asked of them?

**Victoria Prentis:** That is a fair question. Local authorities will be able to charge fees, both for any initial licence application and for registration under the transition scheme that we talked about. They will also be able to charge fees in respect of any inspections carried out under the licensing regime. The fees will enable the local authority to recover any costs that it incurs as a result of carrying out these activities. We hope that the ability to charge fees will minimise the burden placed on them in implementing the legislation, although I accept that they will have to do additional work.

We are very much co-developing the guidance on the implementation of these primate measures with local authorities. That work has already started and the group is discussing issues such as the appropriate level for fees to be set at, what sort of help local authorities will need and what training inspectors might need to enable them to comply with the provisions.

**Daniel Zeichner:** It is interesting listening to the Minister, because there is a fundamental difference of opinion here. Of course, the welfare of the primate is paramount, but I took her to say that we are talking about having high enough standards for primates to be allowed to be kept under a licensing system—that goes back to the opening debate. However, there is a fundamental difference of opinion here: we do not think that primates should be kept—full stop. In zoos, and in some research establishments sadly, we still need them—in zoos, they are for specific conservation and educational purposes. However, I do not see the case for this licensing system. There is a clear divide here.

Six years is far too long. As my hon. Friend the Member for Sheffield, Hallam said, it is an encouragement. Essentially, it says, “It’s okay. If you have the money and you can afford to do it, it is okay.” Well, it is not okay, and we do not think that it should be happening, so we will press this amendment to a vote.

*The Committee divided: Ayes 6, Noes 9.*

#### Division No. 2]

#### AYES

Begum, Apsana	Johnson, Kim
Blake, Olivia	Lake, Ben
Glendon, Mary	Zeichner, Daniel

#### NOES

Daly, James	Moore, Robbie
Evans, Dr Luke	Prentis, Victoria
Grundy, James	Saxby, Selaine
Hudson, Dr Neil	Wheeler, Mrs Heather
Mackrory, Cherylyn	

*Question accordingly negated.*

*Question proposed, That the clause, as amended, stand part of the Bill.*

**Victoria Prentis:** As we have heard, the clause specifies the number and type of primate that licence holders are permitted to keep. It will ensure that licence holders keep neither more primates than they are capable of caring for nor species that they do not have the facilities or expertise to keep.

*Clause 2, as amended, ordered to stand part of the Bill.*

#### Clause 3

##### LICENSING STANDARDS AND OTHER REQUIREMENTS

*Amendment made:* 5, in clause 3, page 2, line 11, leave out “Secretary of State” and insert “appropriate national authority”.—(Victoria Prentis.)

*This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.*

**Daniel Zeichner:** I beg to move amendment 106, in clause 3, page 2, line 15, leave out “may include” and insert

“must include but are not limited to”.

*This amendment would place a responsibility on the Secretary of State to include fundamental welfare requirements in the licensing conditions.*

**The Chair:** With this it will be convenient to discuss the following:

Amendment 107, in clause 3, page 2, line 21, at end insert—

“(g) their social grouping.”

*This amendment would add the social grouping of primates to standards that can be included under licensing conditions.*

Amendment 108, in clause 3, page 2, line 21, at end insert—

“(g) microchipping of any primate kept under the licence.”

Amendment 109, in clause 3, page 2, line 22, leave out “may” and insert “must”.

*This amendment would require microchipping of licensed primates, and require licence holders to provide specific information to local authorities.*

**Daniel Zeichner:** I am slightly surprised that we needed to table this set of amendments, which concern the limited scope and lack of clarity on what the standards will be. We have discussed before what should be in the Bill and what should be left to regulation. In time-honoured fashion, I suspect that the Opposition want more and the Government want less. We may well find our positions reversed in a few years—who knows? Although I understand the case for flexibility and the need to adapt to changing circumstances, we think that more could be put in the Bill, which would give people more confidence that the welfare concerns that we all share are being addressed properly.

It is disappointing that the standards that the licensing system will be expected to achieve are not being published. As you know, Ms McVey, we do not think that the licence system is the way to go, but if we are to have one it needs to be tough and robust. I thought that there would be more on that in the Bill than there appears to be. Again, those of us who have been on Bill Committees before have discussed the distinction between “may” and “must” on many occasions. It is a familiar debate and, I suspect, one that the Minister will respond to in the traditional fashion. We would like to see the language toughened up so that these things must be there.

The options listed in the Bill are:

- “(a) the environment and accommodation that primates need;
- (b) their diet;
- (c) provision for their behavioural needs;
- (d) their handling;
- (e) their transportation;
- (f) protecting them from pain, suffering, injury and disease”,

all of which, of course, we strongly concur with. However, any licensing standards supposedly as high as those of a zoo will surely need to include standards on all those things and more. The theme that has perhaps come through in our debate this morning is the difficulty of distinguishing between the levels and standards in the various places in which primates might end up residing: zoos, sanctuaries, rescue centres, or private accommodation. There lines between those are fairly hazy.

[Daniel Zeichner]

At the end of this process, one of the questions that anyone looking at the legislation in the round will be asking themselves is whether those criteria have been accurately set out and defined. I am not convinced that they have been. If one were being generous to the Government, which of course I am, one would say that this can be achieved through regulation, but sceptics would then say, “That’s not much of a guarantee.” We are here to try and make sure that it actually happens. As such, our amendment 106 would alter the language in the Bill to ensure that the Secretary of State includes in the licensing conditions all the fundamental welfare requirements I listed earlier. However, we do not think that list is exhaustive. Following discussions with the Royal Society for the Prevention of Cruelty to Animals, we think it is essential that provisions covering the social grouping of primates be included in the licensing standards.

I suspect that Members on all sides of the House will agree with what I am about to say: we know that primates, including ourselves, are highly social creatures, and to prevent primates from socialising adequately with other primates causes a great deal of suffering and lasting damage. I am told that isolated primates may mutilate themselves, become severely depressed, pluck their own hair, or show abnormal behaviours, and some even die prematurely. I do not think any of this comes as a surprise to us, because we know how close those creatures are to us, and we know that all those things happen when people are subjected to solitary confinement, which is effectively what we may be risking without specifying these provisions for primates. As such, our amendment 107 is essential to ensuring that any licensing system for primates takes into account their social groupings and, at the very least, prevents any primate from being kept on its own. Other than the fact that the Government refuse to ever accept amendments, I cannot see any logical reason why an amendment like this should not be accepted, but I live in the real world.

Finally, I will briefly discuss amendments 108 and 109 which, taken together, would require all primates kept under licence to be microchipped. We will probably come back to microchipping later in the Bill, but we think it would be sensible to include microchipping in the licensing standards. Microchipping has become an essential part of animal care. It is a safe, effective and permanent way to identify individual primates, and would ensure the traceability of any primates kept under the new licensing scheme. That is quite an interesting point. I think there is a further clause that touches on some of this, which we will come on to in a moment, but clearly we are relying on the keepers to provide the information. Given that not all of them are necessarily to be relied upon, and some are trading for financial gain, it would seem sensible to have a way of identifying the individual creature.

My understanding is that this proposal received broad support in the consultation on the keeping of primates as pets, so I was surprised to find that such a measure was not included in the Bill. I hope we can help the Government by proposing these sensible amendments, which I am sure they will adopt.

10.30 am

**Victoria Prentis:** The code I referred to earlier, which I would be delighted to share with the hon. Gentleman, already applies. It goes into some detail about the importance of social interaction for primates and the way in which they should be kept. As I said, the regulations will develop the specifics and we are actively working on them with experts in the field. I would be delighted to share with the hon. Gentleman the details of that process as it continues.

We intend to introduce microchipping for licensed primates, but not where that is harmful, which it may be in a few exceptional cases. Microchipping primates is a significant procedure. It can require anaesthetic and carries a degree of risk to more vulnerable primates. There will be cases where exemptions to microchipping are needed—for example, if a primate is elderly or in ill health. As the hon. Gentleman said, primates are closely related to us and I sympathise with that position. Microchipping will be set out in the regulations, however, and we need to work slowly and carefully with the sector to come up with the right set of exemptions.

We also think that licence holders should provide key information to local authorities, including on primate births, deaths or transfers. That can be set out in secondary legislation, after we have worked with relevant experts. As we develop our standards, we are consulting widely. We want to set the bar high and aim for zoo-equivalent standards, and we need to ensure that the standards include species-specific requirements. Some of these are set out in the code, but learning has developed since the code was written, and it is important that we have the most up-to-date advice.

We need to work in a collaborative and expert-led way. I do not want to presuppose exactly what the standards should be now, so we will introduce our licensing standards via regulations made under the affirmative procedure and Parliament will be able to scrutinise their detail. I ask the hon. Gentleman to withdraw the amendment.

**Olivia Blake:** I want to talk a little more about social groupings. We do not need to be experts in the field to know that this is an important standard that should be met under any licensing conditions. It is incredibly important that it is on the face of the Bill and I would be pleased if the Government thought again.

On the issue of microchipping, I accept that there might be some stress for certain animals, but “may” is too weak a word. If we are asked for exemptions, and as long as the exemptions are clear, “must” is entirely acceptable.

Although microchipping can help us trace animals, I am concerned that there is no standard way in which it is done across local authorities. As we know from other types of microchipping, there has been confusion about different systems. Given the nature of primates, without a microchipping system or some other relevant form of identification, I am concerned about how people would know if the primates they are looking at today are the same primates they looked at five years ago.

**Daniel Zeichner:** I listened to the Minister carefully and I too would not want to go against expert advice on this matter. As my hon. Friend the Member for Sheffield,

Hallam just said, we would like to see the issue addressed more strongly in the Bill, rather than in guidance and advice, but I hear what the Minister says.

We will have a longer debate about microchipping in relation to other parts of the Bill. It is complicated, not least because of the way the various databases have grown up, probably in a rather disorganised and difficult way, which makes access to them complicated for vets.

I heard the Minister's point about the difficulty of microchipping primates. The Whips do not yet have plans to microchip MPs, have they? I am looking at the hon. Member for South Derbyshire. I am sure it could be useful under some circumstances.

**Mrs Heather Wheeler** (South Derbyshire) (Con): Breathe in, breathe out.

**Daniel Zeichner**: Yes. We will all do exactly as we are told.

I understand the Minister's arguments, so we will not press this amendment to a vote, but I hope she heard our points. There are challenges involved in dealing with creatures that are so close to us. We want to make sure they are treated properly and respectfully. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendments made:* 6, in clause 3, page 2, line 22, leave out 'Secretary of State' and insert 'appropriate national authority'.

*This amendment relates to the application of part 1 to Wales. See the explanatory statement to amendment 3.*

Amendment 7, in clause 3, page 2, line 28, leave out 'Secretary of State' and insert 'appropriate national authority'.

*This amendment relates to the application of part 1 to Wales. See the explanatory statement to amendment 3.*

Amendment 8, in clause 3, page 2, line 29, leave out 'Secretary of State' and insert 'appropriate national authority'.—(*Victoria Prentis.*)

*This amendment relates to the application of part 1 to Wales. See the explanatory statement to amendment 3.*

*Question proposed,* That the clause, as amended, stand part of the Bill.

**Victoria Prentis**: The clause sets out that the Secretary of State will provide licensing standards via regulations for the care and management of primates kept under the licence. They will be developed in close collaboration with experts on primate welfare. The licensing standards will be introduced via regulations made via the affirmative procedure and we will have the chance to scrutinise them.

**Daniel Zeichner**: To reprise the debate: as ever, the danger with licences that may include things is that they may not. While we have no reason to not trust the Government on that, we would much rather it were stronger. We see no reason it could not have been strengthened in the Bill and although we will not push to a vote, we continue to worry that far too much has been left to regulation.

*Question put and agreed to.*

*Clause 3, as amended, accordingly ordered to stand part of the Bill.*

## Clause 4

### APPLICATIONS

*Amendment made:* 9, in clause 4, page 2, line 32, leave out 'in England'.—(*Victoria Prentis.*)

*This amendment relates to the application of Part 1 to Wales. See the explanatory statement to amendment 3.*

*Question proposed,* That the clause, as amended, stand part of the Bill.

**Victoria Prentis**: The Bill provides for the creation of a primate licensing scheme that exempts licence holders from the prohibition on keeping primates in England and Wales. Clause 4 outlines who is eligible to apply for a primate licence and the steps involved in the application process. The clause is necessary for establishing a common set of application principles.

**Daniel Zeichner**: I have little to add, other than to say, yet again, that we worry about the licensing system. I was quite struck by clause 4(4)(a), in which the application was to state the "name and sex" of the primate. That brings home to us that this is different from many other animal regulations, although we all ascribe names to our pets. This is almost like the registration of a birth or a death and it reflects the different way in which we treat primates compared with other creatures. I find it both moving and slightly chilling, because we are saying that a creature has a name that is recorded that we are allowing, under licence, to be imprisoned or kept as a pet. That does not feel right.

*Question put and agreed to.*

*Clause 4, as amended, accordingly ordered to stand part of the Bill.*

## Clause 5

### DETERMINATION OF APPLICATIONS

**Daniel Zeichner**: I beg to move amendment 110, page 3, line 27, leave out "veterinary surgeon" and insert "competent veterinary surgeon with appropriate specialist expertise in the health and welfare requirements of the species the licence relates to".

*This amendment would require premises inspections for licence applications be conducted by a competent veterinary surgeon with appropriate specialist expertise in the health and welfare requirements of the species the licence relates to.*

**The Chair**: With this it will be convenient to discuss the following:

Amendment 111, page 5, line 10, leave out "veterinary surgeon" and insert

"competent veterinary surgeon with appropriate specialist expertise in the health and welfare requirements of the species the licence relates to".

*This amendment would require that premises inspections for licence renewals be conducted by a competent veterinary surgeon with appropriate specialist expertise in the health and welfare requirements of the species the licence relates to.*

Amendment 112, in clause 10, page 6, line 20, at end insert—

'(1A) For the purposes of paragraph (1)(a), a "suitable person" means a person with appropriate specialist expertise in the health and welfare requirements of the species the license relates to who is—

- (a) a competent veterinary surgeon; or
- (b) a competent zoo inspector appointed by the Secretary of State."

*This amendment would require enforcement inspections to be conducted by a competent veterinary surgeon or a competent zoo inspector appointed by the Secretary of State who has appropriate specialist expertise in the health and welfare requirements of the species the license relates to.*

**New clause 9—List of competent veterinary surgeons and zoo inspectors—**

“The Secretary of State must compile a list containing the names of competent veterinary surgeons and competent zoo inspectors with appropriate specialist expertise in the health and welfare requirements of primates and make this available to local authorities.”

**Daniel Zeichner:** The amendments are about the level of expertise required of a veterinary surgeon. Our view is that more specialist expertise is required for primates. Looking to expertise in the room, the hon. Member for Penrith and The Border may wish to comment.

All veterinary surgeons have skills and qualifications, but given that this will be a relatively unusual occurrence one wonders whether they will be in the right place to do what is needed. I understand that a range of organisations, including Born Free, the RSPCA, Wild Futures, the British Veterinary Association, the Ape Alliance and others have expressed concern that premises inspections for licences, renewals and check-ups should be conducted only by competent veterinary surgeons with suitable knowledge and experience of primates. We have discussed how infrequent those checks could be. We do not know what the geographical spread will be, so it is possible that people will be doing this very rarely. Therefore, the question is: do they fully appreciate what is required?

I hinted earlier that the Government have failed to spell out the ideal conditions. I understand that further work may be done in regulations and so on, but, as we have just been reflecting, these creatures have extremely complicated welfare needs. They are long-living, intelligent—highly intelligent, in some cases—social animals. It is hardly surprising that many animal welfare organisations believe that a high level of expertise should be a prerequisite of assessing whether a keeper will be able to provide the right environment for a primate.

Amendments 110 and 111 address the aspects of the Bill that cover premises inspections for licence applications and renewals, which under the Bill currently can be carried out by a veterinary surgeon. An average veterinary surgeon will have a broad and extensive knowledge of a wide variety of animals, but how rarely will this arise? I genuinely do not know how many primates the average vet sees, but I guess it is a few. I shall happily take an intervention from a vet. How many primates does the average vet see?

**Dr Neil Hudson** (Penrith and The Border) (Con): I declare an interest as a veterinary surgeon. I am not competent or experienced when it comes to treating or examining primates, and that is the nub of the point that the hon. Member for Cambridge is making. I am sympathetic to what he is saying.

When veterinary surgeons train, certainly in this country, they have the potential to practise on any species; they are described as being omnipotential. That is very different from being omniscient. The hon. Gentleman’s amendments are very sensible, but I respectfully disagree with the detailed wording. Committee members will recall the evidence we took from the president of

the British Veterinary Association about the term “specialist”—unfortunately, the amendments contain the word “specialist”. In the veterinary world, that will conflate and confuse the issue. As the president of the BVA said, she is not a specialist as per the definitions, but she is experienced in zoo medicine, having worked in it for many years.

10.45 am

The intention behind the amendments is good and I strongly urge the Government to take the sentiment behind them and adapt it by not using the term “specialist”. Using the word “competent” and referring to a veterinarian who has the appropriate expertise or experience in the relevant species would be a helpful and sensible change. The people who look after such animals and inspect their premises need experience in dealing with them. The term “specialist” would rule out many people who have experience in looking after primates. If the Government could consider the amendment holistically and remove the word “specialist” and substitute it with “competent” and “experienced”, we would have a resolution of the issue.

**Daniel Zeichner:** I am grateful to the hon. Gentleman for his expertise. When I looked through the amendments last night, I sighed, realising that he was very likely to make exactly the point he has just made.

I hope the Minister has heard the broad gist of what has been said. We do not know the numbers who will come forward through the licensing system, but even if it were the upper limit of 5,000, there are, I am told, 10.8 million cats in the UK. That gives one a sense of how likely it is for any individual vet to be asked to provide an opinion on these cases and it offers a comparison with what they do in their normal daily work.

Amendment 110 is as drafted on the amendment paper, but there may be scope down the line to revisit the issue. It is important that we get this right. We can help local authorities by making sure that the Government sort out a list of people who have the necessary skills. As I have already hinted, I worry that the average district council will consider the issue and wonder how it will cope with the provisions in the Bill. Clearly there are parts of the country where zoos and rescue centres have the necessary experience, but there will be other parts where they do not. If they came up against an application, they would struggle and it would make it far simpler if the Government did what we are suggesting and compiled a list of the names of competent veterinary surgeons and zoo inspectors who have the skills to carry out the work.

Despite the suggestions from the hon. Gentleman, we think the issue is sufficiently important for us to push it to a vote. We know what the outcome will be, but we want to put it on the record that the Government should take another look at the issue. When the Bill is passed, we hope it will have been improved in this regard.

**Victoria Prentis:** We all agree that those carrying out inspections should be competent to do so. With his depth of knowledge, my hon. Friend the Member for Penrith and The Border reminded us that vets have established competency standards. It is important that the regulations use the right terminology—competency, experience and expertise—as they are developed.

We have provided flexibility in the Bill about who can undertake inspections. The aim of that was to avoid creating delays to licence processing, which could be bad for primates awaiting inspection. We are looking to support training for vets and inspectors so that they have the right knowledge to carry out inspections. We hope that the training will increase the pool of people local authorities can call upon. I say once again that primates vary enormously: someone with expertise in one type of primate may well not be competent to deal with another.

We will certainly include material on the selection of inspectors as part of our guidance for local authorities—the list that the hon. Member for Cambridge wanted—and we intend to ensure that local authorities are given details of suitably qualified inspectors, including specialist vets and vets who have undergone primate training.

Local authorities already undertake a lot of that work for us in the space of zoo inspection and dangerous wild animal inspection. They can already request information on competent zoo inspectors from the Animal and Plant Health Agency. We do not need to include that in the Bill, but I will look carefully, having heard the debate, at the language that we use in regulation. I respectfully ask that the amendment be withdrawn.

**Daniel Zeichner:** This has been a helpful discussion—hopefully, we will come to a sensible resolution. I hear what the Minister says about the advice and guidance. My reflection, having been some years ago a district councillor in a rural area that had some areas that needed to be licensed, is that we struggled with expertise.

Much of the discussion in the end is not so much about primates but about licensing, and how we go about it. Having spent a number of years trying to get the taxi licensing system improved, I am beginning to draw on my conversations with the National Association of Licensing and Enforcement Officers; I remember some of the complexities that can be brought up. None of this is simple or easy. We need expert advice, and the right people. If we do not have them, we will not get a very good outcome. We think that amendment 112 is sufficiently important to vote on, but I will withdraw the others.

**Dr Hudson:** I support the Government on this issue, but we heard evidence last week that the number of veterinarians with the relevant competence and expertise to look at primates is unclear, but in the order of 50. If we had the word “specialist” in the Bill, we could whittle that down to single figures—or it could be 10 or 20—because that term means that a person has either their royal college boards or their European college, American college, Australasian college or many others, and that then the Royal College of Veterinary Surgeons has accredited them as a specialist.

The current wording would really complicate things. I strongly urge the Minister and the Government to take on board the Opposition’s comments about competence and experience so that the licensing protocol is not merely a box-ticking exercise by someone who will potentially be very much out of their comfort zone.

**Daniel Zeichner:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendment made:* 10, in clause 5, page 4, line 1, at end insert—

“(4A) For the purposes of subsections (2) and (3) a local authority may take into account—

- (a) any previous failure by the applicant to meet the licensing standards, and
- (b) any other conduct of the applicant that is relevant.”—  
(*Victoria Prentis.*)

*This amendment allows a local authority to take previous breaches of the licensing standards, and other relevant conduct, into account when making determinations under clause 5(2) and (3).*

*Question proposed,* That the clause, as amended, stand part of the Bill.

**Victoria Prentis:** The clause outlines the steps that local authorities will take when determining an application for a primate licence. The clause ensures that a licence is granted to those who have demonstrated that they are able to keep primates to the required standards, while ensuring that local authorities have the flexibility to make allowances for those who are very close to those standards but have not yet quite met them.

*Question put and agreed to.*

*Clause 5, as amended, accordingly ordered to stand part of the Bill.*

### Schedule 3

#### DECISIONS RELATING TO PRIMATES: REPRESENTATIONS AND APPEALS

*Amendments made:* 79, in schedule 3, page 39, line 32, leave out “First-tier Tribunal” and insert “appropriate tribunal or court”.

*This amendment, together with Amendments 80 and 81, secures that appeals under Schedule 3 in Wales are made to a magistrates’ court.*

*Amendment 80, in schedule 3, page 39, line 34, at end insert—*

“(2) In this paragraph and paragraph 9, ‘appropriate tribunal or court’ means—

- (a) in relation to an appeal relating to the decision of a local authority in England, the First-tier Tribunal;
- (b) in relation to an appeal relating to the decision of a local authority in Wales, a magistrates’ court.”

*See the explanatory statement to Amendment 79.*

*Amendment 81, in schedule 3, page 39, line 35, leave out “First-tier Tribunal” and insert “appropriate tribunal or court”.—(Victoria Prentis.)*

*See the explanatory statement to Amendment 79.*

*Question proposed,* That the schedule, as amended, be the Third schedule to the Bill.

**Victoria Prentis:** The schedule clearly sets out the circumstances in which a person may appeal a local authority’s decision. That includes decisions on applications for a primate licence or registration, rectification notices issued under a primate licence or registration, and the revoking or amending of a licence to keep primates.

*Question put and agreed to.*

*Schedule 3, as amended, accordingly agreed to.*

**Clause 6**

## CONDITIONS

*Question proposed,* That the clause stand part of the Bill.

**Victoria Prentis:** The clause places the requirement on licence holders to meet certain conditions in order to fulfil their obligations.

*Question put and agreed to.*

*Clause 6 accordingly ordered to stand part of the Bill.*

**Clause 7**

## VARIATION AND SURRENDER

*Amendments made:* 11, in clause 7, page 4, line 26, at end insert—

“to other premises in the area of the same local authority”.

*This amendment clarifies that a local authority can only vary the premises to which a licence relates if the new premises are in its area.*

*Amendment 12, in clause 7, page 4, line 29, leave out—*

“reduce the number of primates or”.

*This amendment has the effect that a local authority is not required to grant an application to reduce the number of primates to which a licence applies.*

*Amendment 13, in clause 7, page 4, leave out lines 34 to 37 and insert—*

- “(a) may request further information from the licence-holder;
- (b) in the case of an application under subsection (1)(a) or (b), may arrange for the premises specified in the licence to be inspected by a veterinary surgeon;
- (c) in the case of an application under subsection (1)(c), must arrange for the proposed new premises to be so inspected.”—(*Victoria Prentis.*)

*This amendment requires a local authority, where an application is made to vary the premises to which a licence relates, to inspect the new premises before determining the application.*

*Question proposed,* That the clause, as amended, stand part of the Bill.

**Victoria Prentis:** The clause provides licence holders with the ability to apply to local authorities to vary their licence to account for changes in their circumstances. It is needed to ensure that the licensing process is dynamic and can respond to changes in the circumstances of both the licence holders and the primate.

*Question put and agreed to.*

*Clause 7, as amended, accordingly ordered to stand part of the Bill.*

**Clause 8**

## RENEWAL

*Amendment made:* 14, in clause 8, page 5, line 24, at end insert—

“(7A) For the purposes of subsections (5) and (6) a local authority may take into account—

- (a) any previous failure by the applicant to meet the licensing standards, and
- (b) any other conduct of the applicant that is relevant.”—(*Victoria Prentis.*)

*This amendment allows a local authority to take previous breaches of the licensing standards, and other relevant conduct, into account when making determinations under clause 8(5) and (6).*

*Question proposed,* That the clause, as amended, stand part of the Bill.

**Victoria Prentis:** Under this clause, a primate licence lasts for six years, as long as the licence holder meets the conditions of their licence.

**Daniel Zeichner:** We are seeing exactly what I predicted earlier: a rolling process of permanent licensing. The Bill absolutely does not stop primates from being kept as pets, and I regret that. We have had the discussion about six years and two years—we do not need to go back over it—but this shows that the process is a constant and ongoing one, which will allow primates to remain being kept as pets.

*Question put and agreed to.*

*Clause 8, as amended, accordingly ordered to stand part of the Bill.*

**Clause 9**

## DEATH OF LICENCE-HOLDER

*Question proposed,* That the clause stand part of the Bill.

**Victoria Prentis:** The clause sets out the steps to be taken in the unfortunate event of the death of a primate licence holder. It is necessary to allow the deceased licence holder’s personal representative—who, obviously, will often be family members—time to make arrangements for the primate in their care. Primates might otherwise be subjected to unnecessary stress from being moved to other premises without sufficient time for preparations to be made.

**Daniel Zeichner:** The dialogue around this issue is becoming interesting. The clause further shows the potential problem: not only are primates being kept as pets, but they are being kept in perpetuity, rolling forward, when the licence holder dies. I quite understand the necessity of setting up a licensing system, but this is where it leads—it quite clearly leads to these creatures being kept in perpetuity, and we do not think that should be happening.

*Question put and agreed to.*

*Clause 9 accordingly ordered to stand part of the Bill.*

11 am

**Clause 10**

## INSPECTIONS OF LICENSED PREMISES

*Amendment proposed:* 112, in clause 10, page 6, line 20, at end insert:

“(1A) For the purposes of paragraph (1)(a), a “suitable person” means a person with appropriate specialist expertise in the health and welfare requirements of the species the licence relates to who is—

- (a) a competent veterinary surgeon; or
- (b) a competent zoo inspector appointed by the Secretary of State.”—(*Daniel Zeichner.*)

*This amendment would require enforcement inspections to be conducted by a competent veterinary surgeon or a competent zoo inspector appointed by the Secretary of State who has appropriate specialist expertise in the health and welfare requirements of the species the licence relates to.*

*Question put,* That the amendment be made.



*The Committee divided: Ayes 5, Noes 9.*

**Division No. 3]**

**AYES**

Begum, Apsana	Johnson, Kim
Blake, Olivia	
Glindon, Mary	Zeichner, Daniel

**NOES**

Daly, James	Moore, Robbie
Evans, Dr Luke	Prentis, Victoria
Grundy, James	Saxby, Selaine
Hudson, Dr Neil	
Mackrory, Cheryllyn	Wheeler, Mrs Heather

*Question accordingly negated.*

*Question proposed, That the clause stand part of the Bill.*

**Victoria Prentis:** The clause gives the local authority the power to arrange for an inspection of the premises specified in the licence as a means of assuring that the licence holder is meeting the requisite standards and any rectification conditions that they have received.

*Question put and agreed to.*

*Clause 10 accordingly ordered to stand part of the Bill.*

**Clause 11**

**Fees**

*Question proposed, That the clause stand part of the Bill.*

**Victoria Prentis:** The clause gives the local authority the ability to charge fees for the processing of applications and for conducting inspections relating to a primate licence. It will ensure that the administration of the licensing scheme is not a significant cost to the taxpayer. It will also ensure that local authorities have the resources to implement the scheme effectively.

**Daniel Zeichner:** As I have already reflected on, this has become a discussion around how to license. Once again, as ever, I defer to the legal expertise of the Minister. I am sure that she knows full well from other legislation how that is done, and I imagine that it will be done in the same way here. However, the clause raises slightly difficult questions about the other criteria that the local authority will use to determine what is an appropriate fee—how many, how often, to what standard and by whom. It is a bit of a moveable feast, and I confess that I do not understand how a local authority might arrive at a reasonable judgment and whether the Government will give guidance. I seek some clarification on that point.

**Victoria Prentis:** Of course. We cannot specify at this point, for the reasons given, what a typical fee for this licence may be. The fees will reflect local authority costs for administration of the licensing regime, and therefore will be dependent on the costs associated with the licensing scheme in the area. However, we will most certainly be providing guidance to local authorities on the range of fees that should be applicable and we

would expect all fees to fall within this range, unless there is good reason why not. We would expect fees to be similar across different local authorities, although there will be some variations.

We are working closely with local authorities and we have a working group dealing with this at the moment. The Welsh Government will be providing guidance in relation to Wales, and again we are working closely with the devolved Administrations on this matter.

**Daniel Zeichner:** I understand the difficulty the Minister has trying to license something of which we have very little knowledge. That goes back to my basic point that this is a slightly flawed process. What we are hearing is that we have no idea how much the fees might be, which is a problem for anyone applying. Do we not have any sense at all of what an appropriate fee might be for this kind of inspection?

**Victoria Prentis:** The work is going on at the moment, and I would be delighted to keep the hon. Gentleman in the loop as it continues. Licence holders will have the choice as to whether they wish to apply for a licence and continue to keep their primates. It is right that the financial burden should rest with them. Under existing legislation, zoo licence holders and dangerous wild animals licence holders are also expected to pay a fee to their local authorities, so there is some precedent for this.

*Question put and agreed to.*

*Clause 11 accordingly ordered to stand part of the Bill.*

**Clause 12**

**OFFENCES**

*Question proposed, That the clause stand part of the Bill.*

**Victoria Prentis:** The clause makes it an offence for a licence holder under this part to fail to meet the general licence condition attached to their licence. The penalty for this offence is set at a fine of up to £2,500, although, as I said earlier, the penalty for not having a licence is unlimited. I move that this clause stand part of the Bill.

*Question put and agreed to.*

*Clause 12 accordingly ordered to stand part of the Bill.*

**Clause 13**

**RECTIFICATION NOTICES**

*Question proposed, That the clause stand part of the Bill.*

**Victoria Prentis:** Clause 13 authorises the local authority to serve a rectification notice on a licence holder if they fail to meet any of the licensing standards. This will provide licence holders the opportunity to take any remedial action to provide better for the welfare and management of their primates before further enforcement action is taken. I move that this clause stand part of the Bill.

*Question put and agreed to.*

*Clause 13 accordingly ordered to stand part of the Bill.*

[Victoria Prentis]

#### Clause 14

##### REVOCATION ETC. OF LICENCE

*Question proposed*, That the clause stand part of the Bill.

**Victoria Prentis:** This clause sets out the circumstances in which a local authority is obligated, or has the option, to revoke or vary a primate licence unilaterally. These powers should enable local authorities to act to prevent people who have acted in contravention of this Bill, or the Animal Welfare Act 2006 more generally, from keeping primates. This will help ensure primates are protected from any potential future harm. I move that this clause stands part of the Bill.

*Question put and agreed to.*

*Clause 14 accordingly ordered to stand part of the Bill.*

#### Clause 15

##### DIRECTIONS

*Question proposed*, That the clause stand part of the Bill.

**Victoria Prentis:** This clause will enable the local authority to monitor the welfare of any unlicensed primates, and ensure their basic welfare needs are met while they remain in the care of their keeper. I move that this clause stand part of the Bill.

*Question put and agreed to.*

*Clause 15 accordingly ordered to stand part of the Bill.*

#### Clause 16

##### DETERMINATION OF APPLICATIONS

**Daniel Zeichner:** I beg to move amendment 113, in clause 16, page 9, line 15, leave out ‘put down’ and insert ‘humanely euthanised’.

*This amendment would bring the language in the Bill in line with existing animal welfare legislation.*

This is not a complicated change; it is self-explanatory. In my correspondence with animal welfare organisations, they expressed their misgivings about the use of the term “put down” in the Bill. I am told that currently the wording used in the majority of animal welfare legislation, including the Animal Welfare Act 2006, is “humanely destroyed”. However, I have had conversations with the RSPCA, and it suggests the most suitable language would be “humanely euthanised”, as that, I am reliably informed, is the correct veterinary term. This is a fairly technical amendment, and I hope that if colleagues want to ensure the accuracy and suitability of the technical language in the Bill, the amendment might be fairly uncontroversial. I have never had a successful amendment in Committee, so I am hoping this may finally be it.

**Victoria Prentis:** I am so sorry to disappoint the hon. Gentleman. It is already the case that when an animal is euthanised—this is an awful subject to be discussing—it must be done humanely. Under section 4 of the Animal Welfare Act 2006, it is already an offence to cause an animal unnecessary suffering, and that includes the method of the animal’s death. Therefore, it is not necessary to specify that primates must be euthanised humanely, though, of course, all of us here feel they should. I ask the hon. Member to withdraw his amendment.

**Dr Hudson:** Again, I am sympathetic to the hon. Member for Cambridge and understand his intention. We have to be sensitive about the language when euthanising animals. In different contexts, we use different terms. In small animal practice, “put down” and “put to sleep” are often used. In the equine profession, where I have spent many years, we will not use “put down”, but will often use “euthanased”. I take on board the hon. Gentleman’s comments that in some of the legislation “humanely destroyed” has been used, which is often used in clinical and scientific literature.

To the Government, I say that in considering changing the terminology, I disagree with the hon. Gentleman and would not prefer “euthanised”. If we look at the Royal College of Veterinary Surgeons’ website and the section on euthanasia, we often use the term “euthanased”, in that a vet euthanases an animal. There is that matter of semantics. In America, they talk about “euthanatizing” and “euthanizing”. I cannot support “humanely euthanised” for some of the reasons I have just given and I suggest that “humanely euthanased” would be a suitable substitution. I wish the Government would have a look at this to get to more clinical and scientific language.

**Daniel Zeichner:** I am grateful to the hon. Gentleman. His expertise is extremely helpful to the Committee and shows how complicated this is. Clause 16(2)(c) is just too aggressive in this context. While I accept the Minister’s explanation of the legal situation, I cannot see why that cannot be put in a different way, given the kind of creatures we are dealing with. I suspect the Minister agrees, but she has to do what she has to do. We are not going to push this to a vote to embarrass people—there is no point—but if there is an opportunity, perhaps it could be amended at some further point in the process. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Question proposed*, That the clause stand part of the Bill.

**Victoria Prentis:** The clause will help to ensure compliance with the new licensing system, and provide local authorities with a better ability to enforce higher standards of animal welfare. I urge that it stand part of the Bill.

*Question put and agreed to.*

*Clause 16 accordingly ordered to stand part of the Bill.*

#### Clause 17

##### SELLING PRIMATES TO UNLICENSED PERSONS

*Amendment made:* 15, in clause 17, page 10, line 6, leave out “in England”.—(*Victoria Prentis.*)

*This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.*

*Question proposed*, That the clause, as amended, stand part of the Bill.

11.15 am

**Victoria Prentis:** The clause will prohibit anyone from selling, gifting or transferring a primate to a person who does not hold a relevant licence, with the knowledge or with reasonable grounds to suspect that that person does not hold such a licence. This provision will cover

both private traders and third-party sellers and prevent them from selling primates to individuals who cannot care for their needs adequately. I urge that the clause stand part of the Bill.

*Question put and agreed to.*

*Clause 17, as amended, accordingly ordered to stand part of the Bill.*

### Clause 18

#### BREEDING PRIMATES

*Question proposed, That the clause stand part of the Bill.*

**Victoria Prentis:** The clause sets out that a person who does not hold a relevant licence commits an offence if they take steps to breed a primate under their care with another primate, or where they keep two or more primates together in conditions in which they are able to breed. It should prevent unscrupulous breeders from continuing to fuel a market for pet primates kept in low-welfare conditions. I urge that the clause stand part of the Bill.

**Daniel Zeichner:** I need say no more than that we totally agree. This is a very strong and important provision.

*Question put and agreed to.*

*Clause 18 accordingly ordered to stand part of the Bill.*

### Clause 19

#### POWERS OF ENTRY

*Question proposed, That the clause stand part of the Bill.*

**Victoria Prentis:** The clause, together with schedule 4, gives power of entry to a person authorised by the local authority; it is to be used in relation to one of the offences that we have already discussed. The power of entry will enable local authorities to investigate whether an offence is being, or has been, committed at the premises, and should allow them to enforce for the offences and penalise those responsible. This will in turn ensure that primates are not being kept, bred or sold in contravention of the Bill. I urge that the clause stand part of the Bill.

*Question put and agreed to.*

*Clause 19 accordingly ordered to stand part of the Bill.*

### Schedule 4

#### POWERS OF ENTRY RELATING TO PRIMATES

*Question proposed, That the schedule be the Fourth schedule to the Bill.*

**Victoria Prentis:** The schedule provides local authorities with a power to support investigation and enforcement in respect of offences in the Bill relating to the keeping, breeding and sale or transfer of primates. The powers in the schedule are necessary to ensure that the offences introduced in the Bill can be effectively enforced against. The powers will allow local authorities to investigate those who keep, breed and sell primates illegally, which in turn should help to ensure the high welfare of all primates kept in England and Wales. I urge the Committee to agree to the schedule.

**Daniel Zeichner:** Once again, this is an important additional set of powers, which we think will be helpful. I suspect that this is also an exercise in updating the powers available in order to take into account changing technologies and circumstances, and we strongly support it.

*Question put and agreed to.*

*Schedule 4 accordingly agreed to.*

### Clause 20

#### GUIDANCE

**Daniel Zeichner (Cambridge) (Lab):** I beg to move amendment 116, in clause 20, page 11, line 3, leave out “may” and insert “must”.

*This amendment would require the Secretary of State to provide guidance to local authorities.*

This is the familiar “may” or “must” argument, and I suspect that we will go over old ground yet again with it, but it does allow me to speculate on what happens if the Secretary of State is tardy in providing guidance to local authorities. This takes us back to the equally long-standing issue of support for local authorities, or lack thereof. Throughout the proceedings on the Bill and in the evidence and submissions that we have had from various organisations—we have talked about this at some length this morning already—real concern has been expressed about the capacity of local authorities to enact the system that we are talking about. We all look forward to a time when we can talk about local authorities without adding such adjectives as “underfunded”, “cut” and “on the brink of collapse”. We all know the circumstances in which local authorities find themselves. What strikes me is that the Government continue to load extra obligations on to local authorities without necessarily giving them the help that they need to take on yet more responsibilities.

I have already summed up the Kafkaesque picture of the monkey dumped in the reception of the guildhall in Cambridge. Quite what the monkey or the council officer is supposed to do in those circumstances I am not sure, and it may superficially seem quite amusing, but my partner used to work for a local authority, and quite often they are the last resort, particularly with animals and where people have mental health issues and so on. It is the poor old social worker who ends up at 6 o'clock on a Friday evening trying to find a home for the primate who has been dumped in the lobby.

We need clear guidance. In the evidence session, I asked Dr Girling, chair of the Zoos Expert Committee of the Department for Environment, Food and Rural Affairs, what happens to animals when zoos or others fail to meet licensing standards. The answer was:

“They become the responsibility of the local authority in the first instance”.—[*Official Report, Animal Welfare (Kept Animals) Public Bill Committee, 9 November 2021; c. 28, Q40.*]

Well, good luck to the local authority. The guidance ought to be there. It should not be a “may”; it has to be a “must”. I very much hope that that will be done in a timely manner. Were we to transfer this provision to “must” rather than “may” we would be insisting upon it.

**Victoria Prentis:** As I have said several times, we certainly intend to develop guidance on the implementation of these primate measures, and in doing so we will

[*Victoria Prentis*]

continue to engage closely with local authorities, vets and specialist primate keepers. Local authorities do much good work, included in which is their work with dangerous wild animals and other licensing. I have already referenced how they will be able to charge fees to enable them to carry out that work.

I very much hope that the Kafkaesque situation that the hon. Gentleman envisages never comes to pass, and that we are able, because we have brought into play a sensible and proportionate licensing system, to have transitional arrangements that mean that a suitable space in a zoo or rehoming centre where appropriate

can be found for primates that need to be rehomed. Government amendment 18 will ensure that any guidance developed for local authorities will be published so that it is fully transparent and available to all. In those circumstances, I ask him to withdraw the amendment.

**Daniel Zeichner:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Ordered,* That further consideration be now adjourned.—(*Heather Wheeler.*)

11.23 am

*Adjourned till this day at Two o'clock.*