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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

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

**PART 2**

Primate licences: operation

**Applications**

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

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

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

(3) The application must specify—

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

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

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

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

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

- (a) section 34(2) of the Act;
- (b) section 1 of the Protection of Animals (Amendment) Act 1954(1);

- (c) section 40(1) of the Animal Health and Welfare (Scotland) Act 2006<sup>(2)</sup>; or
- (d) section 33(1) of the Welfare of Animals Act (Northern Ireland) 2011<sup>(3)</sup>.

### Determination of applications

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

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

### Primate licences and conditions

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

### Variation and surrender

9.—(1) The holder of a primate licence may apply to the local authority that granted it to vary the licence so as to—

- (a) reduce or increase the number of primates of any species that the holder is authorised to keep under the licence;
- (b) add or remove a species of primate that the holder is authorised to keep under the licence; or
- (c) change the premises specified in the licence to other premises in the area of the same local authority.

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

(3) 2011 c. 16.

(2) On an application under paragraph (1), the local authority may grant the application and vary the licence to any extent requested.

(3) Before determining whether to vary a licence under paragraph (2), a local authority—

- (a) may request further information from the holder of the licence;
- (b) in the case of an application under paragraph (1)(a) or (b), may arrange for the premises specified in the licence to be inspected by a suitable person;
- (c) in the case of an application under paragraph (1)(c), must arrange for the proposed new premises to be so inspected.

(4) The holder of a primate licence who proposes to surrender the licence may apply to the local authority that granted it to surrender the licence.

(5) On an application under paragraph (4), the local authority must grant the application if satisfied that the holder no longer requires the licence and, when doing so, must specify in writing the date on which the licence is surrendered.

## Renewal

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

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

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

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

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

- (a) if it is satisfied that the licence conditions are likely to continue to be met if the application is granted, grant the application and renew the primate licence;
- (b) in any other case, refuse the application.

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

- (a) any previous failure by the applicant to meet the licence conditions; and
- (b) any other conduct of the applicant that is relevant.

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

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

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

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

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

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

### **Death of the holder of a primate licence**

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

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

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

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

- (a) the licence deemed to be granted to them expires at the end of the period of three months beginning with the date of the death of the former licence holder;
- (b) the local authority may on application by the personal representatives extend the licence period for a further period of up to three months if satisfied that it is appropriate to do so in all the circumstances; and
- (c) if before the time when the licence would otherwise expire by virtue of sub-paragraph (a) or (b) any of the personal representatives applies for a new licence under regulation 6, the licence continues to have effect until the application is determined.

### **Inspections of licensed premises**

**12.**—(1) A local authority that has granted a primate licence—

- (a) may, during the licence period, arrange for a suitable person to inspect the premises specified in the licence to determine whether the licence conditions are being met; and
- (b) must do so at least once in that period unless the licence was granted for a period of less than one year.

(2) An inspection under paragraph (1) must be carried out at a reasonable hour.

### **Fees**

**13.** A local authority may—

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