This Statutory Instrument has been printed in consequence of defects in S.I. 2022/94 and S.I. 2022/311 and is being issued free of charge to all known recipients of those Statutory Instruments.

Draft Regulations laid before Parliament under section 37(3) of the Ivory Act 2018, for approval by resolution of each House of Parliament.

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

2024 No. 000

TRADE

WILDLIFE

The Ivory Act 2018 (Meaning of "Ivory" and Miscellaneous Amendments) Regulations 2024

Made - - - -

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 2(5), 37(2) and 39(1) of, and paragraph 14(1) of Schedule 1 to, the Ivory Act 2018(**a**) ("the Act").

The Secretary of State, in accordance with section 2(5) of the Act, being of the opinion that the institutions specified in the Schedule to the Ivory Prohibitions (Exemptions) (Process and Procedure) Regulations 2022(**b**) have the necessary knowledge and expertise to provide the Secretary of State with advice on applications for exemption certificates and having obtained the consent of the persons in charge of each institution to the prescription of that institution as able to provide such advice, in accordance with section 2(6) of the Act, prescribes those institutions as able to provide such advice to the Secretary of State.

In accordance with section 39(3) of the Act, the Welsh Ministers, the Scottish Ministers and the Northern Ireland department(**c**) have consented to the making of these Regulations.

In accordance with section 37(3) of the Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

(**a**) 2018 c. 30. Section 39(2) and (3) contain a definition of "the appropriate national authority".
(**b**) S.I. 2022/94.
(**c**) Section 38(1) of the Act contains a definition of "the Northern Ireland department".

Part 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Ivory Act 2018 (Meaning of "Ivory" and Miscellaneous Amendments) Regulations 2024.

(2) These Regulations come into force on the later of—

(a) 1st September 2024; or

(b) 21 days after the day on which they are made.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Part 2

Amendments to the Ivory Act 2018

Amendments to the Ivory Act 2018

2.—(1) The Ivory Act 2018 is amended as follows.

(2) In section 37 (meaning of "ivory")—

(a) in subsection (1), for "an elephant" substitute—

"any of the following—

(a) an elephant (see subsection (8));

(b) a common hippopotamus (*Hippopotamus amphibius*);

(c) a killer whale (*Orcinus orca*);

(d) a narwhal (*Monodon monoceros*);

(e) a sperm whale (*Physeter macrocephalus*).";

(b) in subsection (7)—

(i) for "an elephant", in the first place it occurs, substitute "an animal specified in subsection (1)";

(ii) for "not from an elephant" substitute "from none of the animals specified in that subsection".

(3) The amendments made by paragraph (2)(b) do not apply in relation to proceedings for an offence committed before these Regulations come into force.

Part 3

Miscellaneous amendments to secondary legislation

Amendment to the Schedule to the Ivory Prohibitions (Exemptions) (Process and Procedure) Regulations 2022

3.—(1) The Schedule to the Ivory Prohibitions (Exemptions) (Process and Procedure) Regulations 2022 (Prescribed Institutions) is amended as follows.

(2) In paragraph 1—

(a) in sub-paragraph (a), after "the Ashmolean Museum of Art and Archaeology" insert ", University of Oxford";

(b) in sub-paragraph (b), for "Glasgow Museums" substitute "Glasgow Life Museums";

(c) in sub-paragraph (c), after "the Horniman Museum" insert "and Gardens";

(d) in sub-paragraph (g), for "the Royal Armouries Museum" substitute "Royal Armouries";

(e) in sub-paragraph (h), after "University of Cambridge Museums" insert "and Botanic Gardens".

Amendment to the Ivory Prohibition (Civil Sanctions) Regulations 2022

4.—(1) The Ivory Prohibition (Civil Sanctions) Regulations 2022(**a**) are amended as follows.

(2) In regulation 3—

(a) in paragraph (1)(c), for "sent a notice to" substitute "served a notice on";

(b) in paragraph (2), for "sent to" substitute "served on".

(3) In regulation 5(3)(b), for "sent to" substitute "served on".

(4) In regulation 9—

(a) in paragraph (1)(b), for "sent the notice to" substitute "served the notice on";

(b) in paragraph (2), for "send" substitute "serve";

(c) in paragraph (3), for "sent the notice referred to in paragraph (2) to" substitute "served the notice referred to in paragraph (2) on";

(d) in paragraph (4)—

(i) in sub-paragraph (a), for "sent" substitute "served";

(ii) in the words after sub-paragraph (d), for "send" substitute "serve";

(e) in paragraph (5)—

(i) in the words before sub-paragraph (a), for "sent to" substitute "served on";

(ii) in sub-paragraph (c), for "sent the relevant invitation to" substitute "served the relevant invitation on".

(5) In regulation 13(2)(d), for "sent" substitute "served".

(6) In regulation 14—

(a) for paragraph (2)(b), substitute—

"(b) be served on P and, if P is not the occupier of the premises, on the occupier, and"

(b) for paragraph (3), substitute—

"(3) A notice given under paragraph (1)(a) may only be given to a person by delivering or leaving it at the person's address or by sending it there by post."

(7) In regulation 15(6), for "sent" substitute "served".

(8) In regulation 16(3)—

(a) in the words before sub-paragraph (a), for "sends a notice of revocation of the certificate of compliance to" substitute "serves a notice of revocation of the certificate of compliance on";

(b) in sub-paragraph (b), for "sent the notice of revocation to" substitute "served the notice of revocation on".

Name
Minister of State
Date Department for Environment, Food and Rural Affairs

(**a**) S.I. 2022/311.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the meaning of "ivory" in section 37 of the Ivory Act 2018 (c. 30) ("the Act") and make miscellaneous amendments to the Ivory Prohibitions (Exemptions) (Process and Procedure) Regulations 2022 (S.I. 2022/94) and the Ivory Prohibition (Civil Sanctions) Regulations 2022 (S.I. 2022/311). The Act currently prohibits dealing in elephant ivory only, subject to exemptions and exceptions.

Regulation 2 amends section 37 of the Act to extend the definition of "ivory" (and so the prohibitions in dealing with ivory under the Act) from "the tusk or tooth of an elephant" to "the tusk or tooth" of any of an elephant, a common hippopotamus, a killer whale, a narwhal or a sperm whale.

Regulation 3 amends the Ivory Prohibitions (Exemptions) (Process and Procedure) Regulations 2022 (S.I. 2022/94) to give the formal names of five prescribed institutions who may provide the Secretary of State with advice on applications for exemption certificates.

Regulation 4 amends the Ivory Prohibition (Civil Sanctions) Regulations (S.I. 2022/311) to make consistent the use of the terms referring to service throughout those Regulations.

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

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