IVORY BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Resolution of the Programming Sub-Committee.

RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Monday 11 June (Standing Order 83C):

That—

(1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 12 June) meet—

(a) at 1.30 pm on Tuesday 12 June;
(b) at 11.30 am and 2.00 pm on Thursday 14 June;
(c) at 9.25 am and 2.00 pm on Tuesday 19 June;
(d) at 11.30 am and 2.00 pm on Thursday 21 June;

(2) the Committee shall hear oral evidence on Tuesday 12 June in accordance with the following Table:
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TABLE

<table>
<thead>
<tr>
<th>Time</th>
<th>Witness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Until no later than 10.25 am</td>
<td>World Wildlife Fund; Born Free; International Fund for Animal Welfare</td>
</tr>
<tr>
<td>Until no later than 11.25 am</td>
<td>Stop Ivory; Tusk Trust</td>
</tr>
<tr>
<td>Until no later than 2.15 pm</td>
<td>National Wildlife Crime Unit; CITES Border Force team, Heathrow</td>
</tr>
<tr>
<td>Until no later than 3.00 pm</td>
<td>British Art Market Federation; British Antique Dealers’ Association; Philip Mould &amp; Company; Music Industries Association; Musicians’ Union</td>
</tr>
<tr>
<td>Until no later than 3.45 pm</td>
<td>British Museum; Victoria and Albert Museum</td>
</tr>
</tbody>
</table>

(3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 13; Schedule 1; Clauses 14 to 19; Schedule 2; Clauses 20 to 42; new Clauses; new Schedules; remaining proceedings on the Bill;

(4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 21 June.

David Rutley has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order No. 83C].

David Rutley

To move, That subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

David Rutley

To move, That at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.
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Sue Hayman

1  ★ Clause 3, page 2, line 29, leave out “a person” and insert “An owner of an item when”

*Member’s explanatory statement*
This amendment would clarify that only the owner of an item can apply for an exemption.

Sue Hayman

2  ★ Clause 3, page 3, line 5, at end insert—

“(2A) Where an application it referred to a prescribed institution, the institution must notify the Secretary of State of any intention that the institution may have to purchase or hire the item.”

*Member’s explanatory statement*
This amendment requires a prescribed institution to declare any interest that it may have in acquiring the item, in order to make the Secretary of State aware of any conflicts of interest.

Sue Hayman

3  ★ Clause 3, page 3, line 13, at end insert “, and

(d) notify the Secretary of State of any interests, whether commercial, pecuniary, or personal, that the assessor may hold in respect of—

(i) the person applying for an exemption certificate, and

(ii) any person known to by the assessor to be seeking to buy or hire the item.

(3A) If the Secretary of State believes that any interests declared under subsection (3)(d) create a conflict of interest, the Secretary of State may deem the assessor to not be nominated by the prescribed institution, and shall notify the institution accordingly.”

*Member’s explanatory statement*
This amendment requires the assessor to make a declaration of their interests, and grants a power to the Secretary of State to deem an assessor to not have been nominated if the Secretary of State believes there to be a conflict of interest.

Sue Hayman

4  ★ Clause 4, page 4, line 8, at end insert—

“(5A) Subject to subsection (5B), the Secretary of State may not issue a replacement certificate in respect of an item if a replacement certificate has previously been issued in respect of the same item.

(5B) Subsection (5A) does not apply where—

(a) an exemption certificate has been applied for under section 3, and issued, in respect of the item since the last instance of a replacement certificate being issued,

(b) the owner of the item has changed since the last instance of a replacement certificate being issued, or

(c) it seems to the Secretary of State that there are extraneous circumstances that warrant issuing a further replacement certificate.”

*Member’s explanatory statement*
This amendment creates a limit of one replacement certificate being issued for an item. After one
Ivory Bill, continued

certificate is issued, a further replacement certificate can only be issued if a new certificate is applied for under section 3, or if the owner of the item changes, or if there are extraneous circumstances that warrant issuing a replacement certificate.

Sue Hayman

5

Clause 6, page 5, line 6, at end insert—

“(1A) In this section, “portrait miniature” means a portable portrait that is—

(a) of no more than 204mm in height,
(b) of no more than 153mm in width, and
(c) made by painting on to a sheet of ivory no more than 5mm thick.”

Member’s explanatory statement
This amendment defines a 'portrait miniature' for the purpose of the exemption.

Sue Hayman

6

Clause 9, page 5, line 31, leave out from “that” to end of line 33

Member’s explanatory statement
This amendment would only permit acquisitions by qualifying museums to be exempt if the item is also registered under section 10, in all circumstances.

Sue Hayman

7

Clause 10, page 6, line 34, at end insert—

“(1A) In the case an exemption under section 7 or 8, an item only satisfies the relevant exemption conditions if the volume of ivory in the item relative to the total volume of the material of which the item is made has been calculated in accordance with a method provided in guidance by the Secretary of State.”

Member’s explanatory statement
This amendment requires a person registered an pre-1947 item with less than 10% ivory content, or a pre-1975 musical instrument with less than 20% ivory content, to calculate the ivory content according to a method set by the Secretary of State in guidance.
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Sue Hayman

★ Clause 35, page 20, line 40, leave out “elephant” and insert “elephant, killer whale, narwhal, sperm whale, or walrus.”

Member’s explanatory statement
This amendment would include in the definition of ivory all the ivory-bearing species listed in an Appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Sue Hayman

★ To move the following Clause—

“Reporting requirements: Exemption certificates
(1) As soon as reasonably practicable after the end of each calendar year, the Secretary of State must—
   (a) prepare a report on applications for exemption certificates that have been granted during that year, and—
      (i) lay a copy of that report before Parliament, and
      (ii) publish the report.
(2) Subsection (1) does not apply in relation to a year if section 3 of this Act has not been in force at any time in that year.
(3) A report prepared under this section must include the following in respect of each exemption certificate granted—
   (a) the description or descriptions provided in accordance with section 3(1)(b) by the person that applied for the exemption certificate,
   (b) the photograph or photographs provided in accordance with section 3(1)(c) by the person that applied for the exemption certificate,
   (c) when the certificate was granted, and
   (d) any other information that the Secretary of State considers appropriate.”

Member’s explanatory statement
This new clause requires an annual report to be published with details and pictures of all items that are granted an exemption certificate under section 3.

Sue Hayman

★ To move the following Clause—

“Report on the international ivory market
(1) Within 12 months of section 1 of this Act coming into force, the Secretary of State must publish and lay before each House of Parliament a report on the international ivory market.
(2) The report must as far as practicable analyse the impact of this Act on the demand for ivory in the United Kingdom and in other countries.
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(3) The report must consider—

(a) the impact on nations or communities that generate income from ivory of—
   (i) the provisions of this Act, and
   (ii) international agreements related to the ivory trade, and

(b) the work of the Department for International Development in—
   (i) reducing the global demand for ivory, and
   (ii) mitigating any negative impact of the provisions of this Act on nations or communities that generate an income from ivory.”

Member’s explanatory statement
This new clause would require a report to be laid before each House of Parliament on the international ivory market, including how the Department for International Development is working to reduce global demand for ivory.

Sue Hayman

★ To move the following Clause—

“Assessment of enforcement resources
(1) Within 12 months of section 12 of this Act coming into force, the Secretary of State must make an assessment on the resources available to enforce the prohibition.

(2) The report shall consider in particular—

(a) the resources allocated or planned to be allocated towards enforcing the prohibition,

(b) the potential impact of any change in resources so allocated or planned to be allocated, and

(c) the impact on other law or border enforcement activities of the resources so allocated or planned to be allocated.

(3) The Secretary of State shall lay a report of the assessment under this section before each House of Parliament as soon as practicable after its completion.”

Member’s explanatory statement
This new clause requires an assessment to be made and laid before Parliament regarding the level of resources allocated or proposed to be allocated to enforcing the prohibition against ivory dealing.

Sue Hayman

★ To move the following Clause—

“Record of item provenance
(1) The Secretary of State shall make arrangements for persons—

(a) applying for an exemption certificate under section 3, or

(b) registering an item under section 10
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to be able to associate the item to which the application or registration relates with previous registrations or previously issued exemption certificates.

(2) Where an exemption certificate is issued in respect of an item, or where an item has been previously registered, and the Secretary of State is satisfied that the item has previously been registered or had exemption certificates issued in respect of it, the exemption certificate or registration shall record all previous exemption certificates issued or registrations made in respect of that item, including the dates on which any certificates were issued or registrations made.”

Member’s explanatory statement
This new clause allows for exemption certificates or registrations to record all previous exemption certificates or registrations issued for that item, in order to establish a record of each item’s ownership and provenance.

ORDER OF THE HOUSE [4 JUNE 2018]

That the following provisions shall apply to the Ivory Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 21 June 2018.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.