First and Second Sittings

David Rutley

Agreed to

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:
Ivory Bill, continued

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

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.

Agreed to

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.

Agreed to
Ivory Bill, continued

THIRD AND FOURTH SITTINGS

Clause 1 agreed to.

Clause 2 agreed to.

Sue Hayman
Luke Pollard
Thangam Debbonaire

Withdrawn 1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
Luke Pollard
Thangam Debbonaire

Withdrawn 2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
Luke Pollard
Thangam Debbonaire

Not called 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.

Clause agreed to.
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 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.

Clause agreed to.
Clause 5 agreed to.
Ivory Bill, continued

Sue Hayman
Luke Pollard
Thangam Debbonaire

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.

Clause agreed to.

Sue Hayman
Luke Pollard
Thangam Debbonaire

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.

Clause agreed to.

Clause 11 agreed to.

FIFTH AND SIXTH SITTINGS

Sue Hayman
Luke Pollard
Thangam Debbonaire

Clause 12, page 7, line 40, at end insert—

“(1A) For the purposes of subsection (1), a person facilitates a breach of the prohibition if he or she, whilst not directly engaged in the process of a sale, acts in such a way as to allow that sale, or other form of dealing, to occur.”
Ivory Bill, continued

Sue Hayman
Luke Pollard
Thangam Debbonaire

Clause 12, page 8, line 1, leave out subsection (2)

Clause agreed to.

Clause 13 agreed to.

Sue Hayman
Luke Pollard
Thangam Debbonaire

Schedule 1, page 31, line 22, at end insert—
“(d) the circumstances in which the Secretary of State would consider criminal sanctions more appropriate than civil sanctions.”

Schedule agreed to.

Clauses 14 to 19 agreed to.

Schedule 2 agreed to.

Clauses 18 to 34 agreed to.

Sue Hayman
Luke Pollard
Thangam Debbonaire

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

Clause 35, page 21, line 3, leave out from “subsection” to the end of line 5

Clause agreed to.

Clauses 36 to 42 agreed to.
Ivory Bill, continued

Negatived on division  NC1

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.”

Withdrawn after debate  NC2

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.
(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.”
Ivory Bill, *continued*

Sue Hayman  
Luke Pollard  
Thangam Debbonaire

Negatived on division  NC3

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.”

Not called  NC4

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

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.”
“Power to require service providers to block access to material that facilitates a breach of the prohibition

(1) Where a person (“the non-complying person”) is making material available on the internet to persons in the United Kingdom in order to—
   (a) breach the prohibition,
   (b) cause the prohibition to be breached, or
   (c) facilitate a breach of the prohibition,
the Secretary of State may give a notice under this subsection to any internet service provider.

(2) The notice must—
   (a) identify the non-complying person in such manner as the Secretary of State considers appropriate,
   (b) require the internet service provider—
      (i) to take steps specified in the notice, or
      (ii) (if no such steps are specified) to put in place arrangements that appear to the provider to be appropriate,
so as to prevent persons in the United Kingdom from being able to access the offending material using the service it provides,
   (c) provide such information as the Secretary of State considers may assist the internet service provider in complying with any requirement imposed by the notice,
   (d) provide such further particulars as the Secretary of State considers appropriate.

(3) The notice may specify the time by which the internet service provider must have complied with any requirement imposed by the notice.

(4) The notice may be varied or revoked by a further notice under subsection (1).

(5) It is the duty of an internet service provider to comply with any requirement imposed on it by a notice under subsection (1).

(6) That duty is enforceable in civil proceedings by the Secretary of State—
   (a) for an injunction,
   (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
   (c) for any other appropriate relief or remedy.

(7) In this section “the offending material”, in relation to a non-complying person, means the material which the Secretary of State considers is being made available in order to—
   (a) breach the prohibition,
   (b) cause the prohibition to be breached, or
   (c) facilitate a breach of the prohibition.”

Bill to be reported.