

Ivory Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD CORMACK

Page 1, line 5, at end insert “unless it has been certified that the object containing the ivory was created before 1918”

Page 1, line 15, leave out from “ivory” to end of line 16 and insert “includes buying ivory, or hiring it as the borrower, outside the United Kingdom unless it has been certified that the object containing ivory was created before 1918;”

Clause 2

LORD CORMACK

Page 2, line 12, leave out “outstandingly high”

Page 2, line 17, leave out “an important” and insert “a significant”

Clause 4

BARONESS JONES OF WHITCHURCH

Page 4, line 11, 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.”

Clause 4 - continued***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 be issued only 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 5

BARONESS JONES OF WHITCHURCH

Page 4, line 34, at end insert –

- () Subsection (1)(b) does not apply if an appeal has already been made against the decision to refuse an application for an exemption certificate or to revoke an exemption certificate, and the original decision was upheld.

Member's explanatory statement

This amendment would permit a person to appeal against a decision to refuse an application for an exemption certificate or to revoke an exemption certificate only once.

Clause 6

LORD CORMACK

Page 5, line 4, leave out “with a surface area of no more than 320cm²”

Clause 7

LORD CORMACK

Page 5, line 13, leave out “10%” and insert “20%”

Clause 8

LORD CORMACK

Page 5, line 21, leave out “20%” and insert “30%”

Clause 11

LORD CORMACK

Page 7, line 13, leave out from “section 10” to the end of line 15 and insert “remains valid if the ownership of the item passes by inheritance to a member of the family of the registered owner.”

After Clause 11

BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

“Verification of exempted items

- (1) The Secretary of State may by regulations made by statutory instrument provide for the verification of the exempted status of an item containing ivory.

After Clause 11 - continued

- (2) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member's explanatory statement

This new Clause would allow the Secretary of State to create a verification system to enable a person intending to purchase an item containing ivory to check that it has been registered as exempt or has an exemption certificate.

Insert the following new Clause –

“Report on exemptions to the ivory ban

- (1) As soon as reasonably practicable after the end of each calendar year, the Secretary of State must prepare a report on certified and registered exemptions to the prohibition; and –
 - (a) lay a copy of that report before both Houses of Parliament, and
 - (b) 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 information –
 - (a) the number of applications received;
 - (b) the number of applications rejected;
 - (c) the number of appeals received;
 - (d) the number of exemptions granted on appeal;
 - (e) the number of exemption certificates and registered exemptions revoked; and
 - (f) any other information that the Secretary of State considers appropriate.
- (4) The information listed in subsection (3) must be listed by category of item.
- (5) The Secretary of State is responsible for prescribing the categories referred to in subsection (4).
- (6) The Secretary of State is not required to include in a report any information that, in his or her opinion, it would be inappropriate to include on the ground that to do so –
 - (a) would or might be unlawful, or
 - (b) might enable the identification of the owner.”

Member's explanatory statement

This amendment would require the Secretary of State to prepare and publish an annual report on exemptions to the ivory ban. The report must provide statistical information about applications, appeals and revocations by category of item as determined by the Secretary of State.

Clause 12

LORD CORMACK
BARONESS JONES OF WHITCHURCH

Page 8, line 7, leave out subsection (2)

BARONESS JONES OF WHITCHURCH

Page 8, line 20, leave out “six months” and insert “12 months”

Member's explanatory statement

This is a probing amendment concerning the discrepancy between the maximum term of imprisonment for breaching the prohibition in Northern Ireland compared to England and Wales, and Scotland.

After Clause 13

BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

“Report on enforcement resources

- (1) Within 12 months of section 12 of this Act coming into force, the Secretary of State must make an assessment of the resources available to enforce the prohibition.
- (2) The report must 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 must 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 dealing in ivory.

Clause 18

LORD CORMACK

Page 11, line 17, leave out “or an accredited civilian officer”

Page 11, line 21, leave out “or an accredited civilian officer”

Page 11, line 23, leave out “an accredited civilian officer”

Page 11, line 25, leave out “or an accredited civilian officer”

Clause 18 - continued

Page 11, line 32, leave out paragraph (d)

Clause 19

LORD CORMACK

Page 12, line 18, leave out “or an accredited civilian officer”

Page 12, line 19, leave out “or accredited civilian officer”

Page 12, line 22, leave out “or accredited civilian officer”

Page 12, line 25, leave out “or an accredited civilian officer”

Page 12, line 28, leave out “or accredited civilian officer”

Clause 29

LORD CORMACK

Page 17, line 29, leave out “or accredited civilian officer”

Clause 30

LORD CORMACK

Page 18, line 23, leave out “or an accredited civilian officer”

After Clause 32

BARONESS JONES OF WHITCHURCH

Insert the following new clause –

“Report on the international ivory market

- (1) Within 12 months of section 1 of this Act coming into force, and every 12 months thereafter, the Secretary of State must publish and lay before each House of Parliament a report on the domestic ivory ban.
- (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 include –
 - (a) the number of –
 - (i) civil penalties imposed, and
 - (ii) criminal prosecutions undertaken;
 - (b) 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;
 - (c) the work of the Department for International Development in –

After Clause 32 - continued

- (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; and
- (d) any other information that the Secretary of State considers appropriate.”

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.

Schedule 2

LORD CORMACK

Page 36, line 3, leave out “or an accredited civilian officer”

Page 36, line 18, leave out “or accredited civilian officer”

Preamble

BARONESS JONES OF WHITCHURCH

Insert the following Preamble –

“Whereas the 1989 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) agreed to ban the international trade in African elephant ivory; and the resolution adopted at the 2016 Conference of Parties to CITES agreed to phase out domestic ivory markets which contributed to poaching or illegal trade in ivory:

And whereas it is expedient to give effect in the United Kingdom to the restrictions on domestic trade:”

Member's explanatory statement

This amendment would insert a Preamble linking the Bill to the resolution adopted unanimously by governments at the 2016 Conference of Parties to the UN Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which called on all governments to close domestic ivory markets which contribute to poaching or illegal trade in ivory.

Ivory Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

4 September 2018
