

# Ivory Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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[Amendments marked ★ are new or have been altered]

Amendment  
No.

**Clause 1**

LORD CORMACK

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

*Member’s explanatory statement*

*This amendment is designed to ensure that steps taken to enforce the Bill are directed primarily at those who poach, use and trade in poached ivory.*

- 2 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;”

*Member’s explanatory statement*

*This amendment is designed to ensure that steps taken to enforce the Bill are directed primarily at those who poach, use and trade in poached ivory.*

THE EARL OF KINNOULL

- 3 Page 1, line 23, at end insert –  
“( ) For the avoidance of doubt, nothing in this section shall be deemed as applying to bona fide insurance or re-insurance transactions involving UK-licensed insurers.”

*Member’s explanatory statement*

*This is a technical amendment designed to address various insurance and re-insurance problems.*

**Clause 1 - continued**

LORD CLEMENT-JONES  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

4★ Page 1, line 23, at end insert –

“( ) Except in regard to sections 8 and 9, the exemptions referred to in subsection (6) do not apply in circumstances where the dealing in question has taken place online.”

***Member’s explanatory statement***

*This amendment would prevent the sale of otherwise exempted items comprising or containing ivory from taking place online. This, alongside other measures in the Bill, would help to prevent illegal trade of ivory. The online ban would not apply to the items exempted under sections 8 and 9.*

**Clause 2**

LORD DE MAULEY  
LORD CARRINGTON OF FULHAM

5 Page 2, line 11, leave out “pre-1918” and insert “pre-1947”

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

6 Page 2, line 12, at beginning insert “in the case of an item incorporating a volume of ivory of not less than 30 cm<sup>3</sup>,”

LORD CORMACK

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

LORD DE MAULEY

8★ Page 2, line 12, after “cultural” insert “, religious”

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

9 Page 2, line 12, at end insert “or is similar to items already included in or suitable for addition to the collection of a qualifying museum”

BARONESS JONES OF WHITCHURCH

10★ Page 2, line 13, leave out subsection (3) and insert –

“(3) The condition outlined in paragraph (b) of subsection (2) is satisfied in the case of a particular item only if it is the rarest and most important example of its type.”

***Member’s explanatory statement***

*This amendment will ensure that only items that are the rarest and most important of their type qualify for an exemption certificate.*

LORD CORMACK

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

**Clause 2 - continued**

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

- 12 Page 2, line 25, at end insert “, which must be an institution with expertise in identifying and dating objects incorporating or made entirely from ivory”

**Clause 3**

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

- 13 Page 2, line 38, at end insert “but with no requirement to proceed with the dealing in the item in the future”

**Clause 4**

BARONESS JONES OF WHITCHURCH

- 14 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.”

***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

- 15 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 5 - continued**

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

- 16★ Page 4, line 34, at end insert –  
“( ) An appeal under subsection (1)(b) is to be heard by persons with expertise in identifying and dating the type of item in respect of which an appeal is being made.”

**Clause 6**

LORD CORMACK

- 17 Page 5, line 4, leave out “with a surface area of no more than 320cm<sup>2</sup>”  
*Member’s explanatory statement*  
*Not all miniatures would be covered by this limit. This amendment would allow more flexibility in judging miniatures.*

**Clause 7**

LORD CORMACK  
LORD DE MAULEY  
LORD CARRINGTON OF FULHAM

- 18 Page 5, line 13, leave out “10%” and insert “20%”  
*Member’s explanatory statement*  
*This amendment is designed to simplify the bureaucratic arrangements which will follow the enactment of this Bill.*

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

- 19 Page 5, line 13, leave out “10%” and insert “50%”

LORD INGLEWOOD

- 20 Page 5, line 15, leave out paragraph (d)

LORD DE MAULEY  
LORD CARRINGTON OF FULHAM

- 21 Page 5, line 15, at end insert “, or the volume of the ivory is less than 15 cubic centimetres”

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

- 22 Page 5, line 17, at end insert “or it is integral to the item’s design and contemporaneous with the item”

**Clause 7 - continued**

23 Page 5, line 17, at end insert—

“(3) For the purposes of subsection (1)(c) it is sufficient that the volume of ivory and the total volume of the material of which the item is made be estimated, without any intervention that may damage the item or cause a diminution in its financial value.”

**Clause 8**

LORD CORMACK

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

***Member’s explanatory statement***

*This amendment is designed to simplify the bureaucratic arrangements which will follow the enactment of this Bill.*

LORD DE MAULEY

LORD CARRINGTON OF FULHAM

25 Page 5, line 23, at end insert “, or the volume of the ivory is less than 15 cubic centimetres”

BARONESS QUIN

26★ Page 5, line 23, at end insert—

“( ) The provisions of this Act do not apply to Northumbrian pipes made legally before the passing of this Act.”

LORD CARRINGTON OF FULHAM

LORD DE MAULEY

27★ Page 5, line 28, at end insert—

“(3) For the purposes of subsection (1)(b) it is sufficient that the volume of ivory and the total volume of the material of which the musical instrument is made be estimated, without any intervention that may damage the instrument or cause a diminution in its financial value.”

**Clause 9**

LORD CARRINGTON OF FULHAM

LORD DE MAULEY

28 Page 5, line 37, at end insert—

“( ) In respect of an item registered under subsection (2)(b) there is no obligation on the part of either the qualifying museum or the other person dealing to proceed with the sale, purchase or hire of the item.”

**Clause 10**

LORD INGLEWOOD

29 Page 6, line 30, leave out “7”

**Clause 10 - continued**

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

30 Page 6, line 40, at end insert “, such fee not to exceed £5”

THE EARL OF KINNOULL

31 Page 6, line 40, at end insert –

“( ) When making regulations under subsection (1)(g), the Secretary of State must set fees so as to encourage registration and must consider varying those fees for items of low value.”

***Member’s explanatory statement***

*This amendment is intended to ensure maximum public usage of the registration process by setting fees attractively.*

LORD INGLEWOOD

32 Page 6, line 43, leave out paragraph (b)

**Clause 11**

LORD CORMACK

33 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.”

***Member’s explanatory statement***

*This amendment is designed to simplify the bureaucratic arrangements which will follow the enactment of this Bill.*

**After Clause 11**

BARONESS JONES OF WHITCHURCH

34 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.
- (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.*

**After Clause 11 - continued**

35 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

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

**Clause 12 - continued**

BARONESS JONES OF WHITCHURCH

37 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  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

38 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 14**

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

39 Page 9, line 5, at end insert “, such officer to have specific expertise and training in identifying ivory items”

**Clause 17**

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

40 Page 11, line 9, after “State” insert “, who has proven knowledge of and expertise in identifying ivory and its characteristics, and”



**Clause 17 - continued**

LORD JUDGE  
BARONESS TAYLOR OF BOLTON  
LORD NORTON OF LOUTH  
LORD WALLACE OF TANKERNESS

*The above-named Lords give notice of their intention to oppose the Question that Clause 17 stand part of the Bill.*

***Member's explanatory statement***

*Leaving out Clause 17 would prevent the appointment of accredited civilian officers with powers of entry and seizure by the Minister.*

**Clause 18**

LORD CORMACK

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

***Member's explanatory statement***

*This amendment and all the others which are similarly worded have a similar objective to the proposal to delete Clause 17.*

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

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

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

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

**Clause 19**

LORD CORMACK

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

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

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

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

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

**Clause 22**

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

51 Page 14, line 8, at end insert –

“( ) In respect of a seizure or detention under subsection (2) an officer must take account of the item’s physical nature and must exercise all reasonable care to avoid damage to the item.”

**Clause 29**

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

52 Page 17, line 28, leave out paragraphs (a) and (b)

LORD CORMACK

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

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

54 Page 17, line 31, at end insert “, on the advice of a person with expertise in identifying and dating items of the same type as the item forfeited”

**Clause 30**

LORD CORMACK

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

**Clause 31**

LORD CARRINGTON OF FULHAM  
LORD DE MAULEY

56 Page 19, line 25, leave out “a police or customs officer, or”

57 Page 19, line 26, leave out “the officer or”

58 Page 19, line 26, at end insert “, taking account of the advice of a person with expertise in identifying and dating items of the same type as the item that cannot be returned”

**After Clause 32**

THE EARL OF SANDWICH  
BARONESS SHEEHAN

59 Insert the following new Clause—

**“Report on the impact of this Act on the ivory market**

- (1) Within the period of 12 months of the coming into force of this Act, the Secretary of State must publish and lay before each House of Parliament a report on the impact of this Act on the international ivory market, including the demand for, and trade in, ivory in the United Kingdom and elsewhere.
- (2) The report must also consider—
  - (a) the impact of the provisions of this Act on the elephant population in Africa; and
  - (b) the work of the Department for International Development in—
    - (i) reducing the demand for ivory; and
    - (ii) mitigating any negative impact of the provisions of this Act on the nations or communities which are linked to the supply of and trade in ivory, including those who may be affected by an increase in the elephant population.”

BARONESS JONES OF WHITCHURCH

60 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—
    - (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.*

### Clause 35

BARONESS JONES OF WHITCHURCH

61★ Page 21, line 3, at end insert—

- “( ) As soon as practicable after this Act is passed, the Secretary of State must consult on amending subsection (1) to include ivory from other animals and species including—
- (a) hippopotami;
  - (b) narwhals; and
  - (c) walruses.”

*Member’s explanatory statement*

*This amendment would require the Secretary of State to consult on extending the ivory ban to the other ivory bearing animals listed as soon as practical after the Act is passed.*

### Schedule 2

LORD CORMACK

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

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

### Preamble

BARONESS JONES OF WHITCHURCH

64 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

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LIST OF AMENDMENTS  
TO BE MOVED  
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*6 September 2018*

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