

Ivory Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 4

BARONESS JONES OF WHITCHURCH

Page 4, line 3, at end insert—

“() An exemption certificate for an item must be transferred to the person acquiring the item at the time of the transaction.”

Member’s explanatory statement

This amendment requires a person selling an exempted item to give the buyer the item’s exemption certificate at the point of sale.

Clause 7

LORD CARRINGTON OF FULHAM

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

Member’s explanatory statement

This is intended to remove the possibility that detachable items from a larger object will be treated as separate items for the purposes of this Bill. In particular, dealing in objects containing small detachable ivory knobs used for regulating barometers and other scientific instruments would be banned under this Bill in its current form.

After Clause 11

LORD CARRINGTON OF FULHAM

Insert the following new Clause—

“Grant of Probate

- (1) In order to obtain a grant of probate, the executors of a deceased’s estate shall not be required to register an item that is eligible for registration for dealing purposes.
- (2) Any item not registered under section 10 shall be treated for probate purposes as having zero value.”

Member's explanatory statement

In the Explanatory Notes it is made clear that for inheritance purposes an ivory item does not have to be registered. However, as a registered item may be dealt, it could acquire monetary value. This new clause is intended to prevent HMRC assigning a value to an ivory item on inheritance unless the item was registered.

BARONESS JONES OF WHITCHURCH

Insert the following new Clause—

“Guidance

The Secretary of State may by regulations produce and publish guidance to enable a person dealing in ivory to verify the exempted status of an item.”

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) following a consultation.
- (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

BARONESS JONES OF WHITCHURCH

Page 8, line 7, leave out subsection (2) and insert –

- “(2) It is a defence for a person charged with an offence under this section to prove that they did not know or suspect, and could not reasonably be expected to know or suspect, that the item is ivory, is made of ivory or (as the case may be) has ivory in it.”

Member’s explanatory statement

This amendment permits a defence of ignorance, with the onus on a person to prove that they did not and could not have been expected to know or suspect that an item contained ivory, to help tackle the problem of deliberately mislabelling ivory items as other substances.

After Clause 32

BARONESS JONES OF WHITCHURCH

Insert the following new clause –

“Report on the implementation and impact of the domestic ivory ban

- (1) As soon as reasonably practicable after the end of each calendar year, the Secretary of State must prepare a report on the implementation and impact of the domestic ivory ban 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 contain information about –
 - (a) the work and resources of relevant bodies including –
 - (i) the Office for Product Safety and Standards,
 - (ii) the Animal and Plant Health Agency,
 - (iii) the National Wildlife Crime Unit,
 - (iv) the police,
 - (v) UK Border Force, and
 - (vi) the Department for International Development;
 - (b) prosecutions for breaching the ban including –
 - (i) the number of civil penalties imposed, and
 - (ii) the number of criminal prosecutions undertaken;
 - (c) the impact on the hire and sale of musical instruments containing ivory in the United Kingdom;
 - (d) the impact on nations or communities that generate income from ivory; and
 - (e) any other information that the Secretary of State considers appropriate.”

Member’s explanatory statement

This amendment would require the Secretary of State to prepare and publish an annual report on the implementation and impact of the ivory ban.

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
ON REPORT

18 October 2018
