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Lord Clement-Jones  
House of Lords  
London SW1P 0PW

22<sup>nd</sup> October 2018

Dear Tim,

Thank you for your contribution to the debate during Committee Stage of the Ivory Bill. I am following up on a commitment Baroness Vere made to write to you in reply to the point you raised on enforcement of online sales.

As I have previously set out to the House, the Bill makes clear that it will be an offence to cause or to facilitate a sale of ivory that either does not meet an exemption, or has not been properly registered or certified. We intend for this to equally apply to any website or online forum which hosts or facilitates an illegal sale.

The Bill prohibits commercial activities in ivory regardless of where those activities take place, for example, in a physical location or online. Equally, anyone who breaches the ban, be it online or in a physical place, will be committing an offence and face the same range of sanctions – including a criminal sanction of up to 5 years in prison and/or an unlimited fine

Website and online sellers will be able to rely on existing legislation in defence, in addition to 12(3) which requires a person to prove that they took all reasonable precautions and exercised due diligence, this could for example include a process where online providers ask sellers to ensure their items are registered and require items to be accompanied with a certificate or registration confirmation.

The Bill also ensures that corporate bodies will be liable if they commit an offence under the Bill. It is expected that online forums should take all actions to ensure they and their users act in compliance with the ban

We were mindful with regards to the Bill, that when addressing internet enabled crime, we wanted to highlight that it is the crime that is important, not the vehicle by which it is committed. The Ivory Bill therefore prohibits dealing in ivory regardless of where those activities take place and the same offences and sanctions apply.

You asked about resources around enforcement of the ban in regard to online sales. Defra currently co-funds the Police's National Wildlife Crime Unit (NWCU) with others including the Home Office and Police. Decisions on (ongoing/post-2020) deployment of police resources are a matter for the Home Office and individual Police Chief Constables to decide. The NWCU do an admirable job in assisting in the prevention and detection of wildlife crime both online and physically and by obtaining and disseminating information from a wide range of organisations and by assisting police forces in wildlife crime investigation.

I shall be placing copies of this letter in the Libraries of both Houses.

Yours,  
John