



Ivory Act 2018

2018 CHAPTER 30

Exemption for outstandingly valuable and important pre-1918 items

5 Fresh applications and appeals

- (1) Where an application for an exemption certificate is refused or an exemption certificate is revoked, the owner of the item concerned—
 - (a) may make a fresh application;
 - (b) may appeal to the First-tier Tribunal against the refusal or revocation.
- (2) A fee prescribed under section 3(1)(h) must be the same for a fresh application under subsection (1)(a) as for a first application.
- (3) An appeal under subsection (1)(b) may be on the ground—
 - (a) that the decision was based on an error of fact,
 - (b) that the decision was wrong in law, or
 - (c) that the decision was unreasonable,or on any other grounds that are prescribed by regulations made by the appropriate national authority.
- (4) On an appeal under subsection (1)(b), the First-tier Tribunal may—
 - (a) confirm the Secretary of State's decision to refuse or revoke the exemption certificate,
 - (b) require the Secretary of State to issue an exemption certificate, or to cancel the decision to revoke an existing exemption certificate, or
 - (c) remit the decision to refuse or revoke the exemption certificate to the Secretary of State for reconsideration.
- (5) The appropriate national authority may by regulations make further provision about appeals under subsection (1)(b).
- (6) The Secretary of State may by regulations make provision requiring an appellant to pay a fee of a prescribed amount.