



# Ivory Act 2018

## 2018 CHAPTER 30

*Exemption for outstandingly valuable and important pre-1918 items*

### 3 Applications for exemption certificates

- (1) A person applying for an exemption certificate for an item must—
  - (a) give the name and address of the owner of the item,
  - (b) provide a description of the item and of any distinguishing features that it has,
  - (c) provide a photograph of the item showing any such features,
  - (d) make a declaration that, in the applicant's opinion, the item satisfies the conditions in paragraphs (a) and (b) of section 2(2),
  - (e) provide an explanation as to why the applicant is of that opinion,
  - (f) provide information about any dealing in the item that is expected to take place,
  - (g) provide any other information specified in regulations made by the appropriate national authority, and
  - (h) pay to the Secretary of State any fee prescribed by regulations made by the Secretary of State.
- (2) The Secretary of State must refer an application for an exemption certificate to a prescribed institution if satisfied that—
  - (a) the applicant has complied with subsection (1), and
  - (b) the item is not one that clearly fails to satisfy the conditions in paragraphs (a) and (b) of section 2(2).

Otherwise the Secretary of State must refuse the application and inform the applicant why it has been refused.

- (3) Where an application is referred to a prescribed institution under subsection (2), an individual nominated by the institution ("the assessor") must—
  - (a) inspect and assess the item,
  - (b) notify the Secretary of State whether or not, in the assessor's opinion, the item satisfies the conditions in paragraphs (a) and (b) of section 2(2), and

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*Status: This is the original version (as it was originally enacted).*

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- (c) notify the Secretary of State of the assessor's reasons for forming that opinion.
- (4) An institution may nominate an individual under subsection (3) only with the individual's consent.
- (5) The Secretary of State must reimburse the reasonable costs of the prescribed institution or the assessor in dealing with an application referred under subsection (2).
- (6) Having considered the assessor's opinion, the Secretary of State—
  - (a) must grant the application for an exemption certificate if the Secretary of State is of the opinion that the item satisfies the conditions in paragraphs (a) and (b) of section 2(2);
  - (b) otherwise, must refuse the application and inform the applicant why it has been refused.
- (7) If the application is granted, the Secretary of State must provide the applicant with an exemption certificate.