



Ivory Act 2018

2018 CHAPTER 30

General

38 Meaning of other expressions

(1) In this Act—

“accredited civilian officer” has the meaning given by section 22(2);

“the appropriate court” has the meaning given by section 30(8);

“the appropriate national authority” has the meaning given by section 39(2) and (3);

“dealing” has the meaning given by section 1(2) to (4);

“designated customs official” means a person—

(a) designated as a general customs official under section 3(1) of the Borders, Citizenship and Immigration Act 2009, or

(b) designated as a customs revenue official under section 11(1) of that Act;

“designated NCA officer” means a National Crime Agency officer designated under section 10 of the Crime and Courts Act 2013 as a person having either or both of the following—

(a) the powers and privileges of a constable;

(b) the powers of an officer of Revenue and Customs;

“exemption certificate” has the meaning given by section 2(1);

“justice” means—

(a) in England and Wales, a justice of the peace;

(b) in Scotland, a sheriff or summary sheriff or a justice of the peace;

(c) in Northern Ireland, a lay magistrate;

“the Northern Ireland department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

“police officer” has the meaning given by section 30(8);

“police or customs officer” has the meaning given by section 14(4);

“pre-1918”, “pre-1947” and “pre-1975” are to be read in accordance with subsections (2) and (3);

Changes to legislation: There are currently no known outstanding effects for the Ivory Act 2018, Section 38. (See end of Document for details)

- “premises” has the meaning given by section 17(7);
 “prescribed institution” has the meaning given by section 2(5);
 “the prohibition” means the prohibition in section 1;
 “relevant evidence” has the meaning given by 14(4);
 “relevant offence” has the meaning given by 14(4);
 “search warrant” means a warrant under section 17;
 “vessel” is to be read in accordance with subsection (4).
- (2) An item that is made of ivory, or has ivory in it, is “pre-1918”, “pre-1947” or “pre-1975” if the item was made before the relevant date (see subsection (3)) and either—
- (a) no ivory was added to the item on or after the relevant date, or
 - (b) any ivory added to the item on or after the relevant date—
 - (i) was taken from its animal source before 1 January 1975, and
 - (ii) was added to the item for the purpose of restoring it.
- (3) The “relevant date” is—
- (a) 1 January 1918 for a pre-1918 item;
 - (b) 3 March 1947 for a pre-1947 item;
 - (c) 1 January 1975 for a pre-1975 item.
- (4) A reference to a vessel includes a reference to—
- (a) a ship or boat or any other description of vessel used in navigation, and
 - (b) a hovercraft, submersible craft or other floating craft,
- but does not include a reference to anything that permanently rests on, or is permanently attached to, the sea bed.

Commencement Information

- I1** S. 38 in force at 1.2.2022 for specified purposes by [S.I. 2022/93, reg. 3\(k\)](#)
I2 S. 38 in force at 24.2.2022 in so far as not already in force by [S.I. 2022/93, reg. 3\(k\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Ivory Act 2018, Section 38.