

2022 No. 288

TRADE

WILDLIFE

The Ivory Act 2018 (Commencement No. 2 and Transitional Provision) Regulations 2022

Made - - - - *14th March 2022*

Coming into force - - *15th March 2022*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 43(1) and (2) of the Ivory Act 2018(a).

Citation and interpretation

1.—(1) These Regulations may be cited as the Ivory Act 2018 (Commencement No. 2 and Transitional Provision) Regulations 2022.

(2) In these Regulations, “the Act” means the Ivory Act 2018.

Provision coming into force, for all remaining purposes, on 6th June 2022

2. Section 1 of the Act (prohibition on dealing in ivory) comes into force, for all remaining purposes, on 6th June 2022.

Provisions coming into force, for the purposes of exercising any power to make regulations, or to prepare and publish guidance, on 15th March 2022 and, for all remaining purposes, on 6th June 2022

3. The following provisions of the Act come into force for the purpose of exercising any power to make regulations, or to prepare and publish guidance under paragraph 21 of Schedule 1 to the Act, on 15th March 2022, and for all remaining purposes on 6th June 2022—

- (a) section 12 (offence of breaching the prohibition or causing or facilitating a breach);
- (b) section 13 and paragraphs 1 to 3, 5 to 8, 10, 14 to 18, 21, 22 and 25 of Schedule 1 (civil sanctions).

Provisions coming into force on 6th June 2022

4. The following provisions of the Act come into force on 6th June 2022 —

- (a) section 14 (power to stop and search persons);
- (b) section 15 (power to stop and search vehicles);

- (c) section 16 (power to board and search vessels and aircraft);
- (d) section 17 (warrants authorising entry and search of premises);
- (e) section 18 (further provision about search warrants) and Schedule 2 (search warrants: England and Wales and Northern Ireland);
- (f) section 19 (powers of examination etc);
- (g) section 20 (power to require production of documents etc);
- (h) section 21 (powers of seizure etc);
- (i) section 22 (accredited civilian officers: powers of entry);
- (j) section 23 (other powers of accredited civilian officers);
- (k) section 24 (excluded items);
- (l) section 25 (further provision about seizure under section 21 or 23);
- (m) section 26 (notices and records in relation to seized items);
- (n) section 27 (powers of entry, search and seizure: supplementary provision);
- (o) section 28 (offences of obstruction etc);
- (p) section 29 (retention of seized items);
- (q) section 30 (forfeiture of seized items by court on application);
- (r) section 31 (appeal against decision under section 30);
- (s) section 32 (return of item to person entitled to it, or disposal if return impracticable);
- (t) section 33 (forfeiture by court following conviction);
- (u) section 34 (application of Customs and Excise Management Act 1979);
- (v) section 35 (contracts of insurance etc);
- (w) section 36 (liability of corporate officers for offences by bodies corporate etc);
- (x) paragraphs 4, 9, 19, 20 and 23 to 24 of Schedule 1 (civil sanctions).

Transitional provision in relation to contracts in the course of performance

5.—(1) This regulation applies where—

- (a) before 6th June 2022, a contract has been agreed which would, but for this regulation, involve dealing which is prohibited under section 1 of the Act, and
- (b) on 6th June 2022, the contract is in the course of performance.

(2) For the purposes of this regulation, a contract falling under paragraph (1)(a) is in the course of performance where, before 6th June 2022—

- (a) money or other valuable consideration has been paid or provided by one person (‘the buyer’) to another person (‘the seller’) under a contract of sale, but on 6th June 2022 the item which is the subject of the contract has not yet been received by the buyer,
- (b) the item which is the subject of a contract of sale has been received by the buyer, but on 6th June 2022 the seller has not yet received payment for that item,
- (c) a contract for hire of an item relating to a period falling after or partly after 6th June 2022 has been agreed, or
- (d) a contract involving the import or export of an item has been agreed, and the item which is the subject of the contract has been despatched but on 6th June 2022 has not yet been received by the buyer or hirer.

(3) Where this regulation applies, an act done during the specified period in pursuance of a contract falling under paragraph (1) is to be treated as if it were not a prohibited act.

(4) In paragraph (3), “the specified period” means the period of 28 days beginning with the 6th June 2022 and ending at the end of 3rd July 2022.

14th March 2022

Department of the Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Ivory Act 2018 (c.30) ('the Act'). The Act prohibits all dealing in ivory, subject to the exemptions set out in sections 2 and 6 to 9.

These Regulations bring into force the sections of the Act dealing with the prohibition and offences (sections 1, 12, 35 and 36) and associated investigatory, forfeiture and enforcement powers (sections 13 to 34 and Schedule 1, with the exception of Part 4 of that Schedule) and Schedule 2 (search warrants: England and Wales and Northern Ireland).

Regulation 2 brings section 1 (prohibition on dealing in ivory) fully into force on 6th June 2022.

Regulation 3 brings into force section 12 (offence of breaching the prohibition or causing or facilitating a breach) and section 13 (civil sanctions) (together with paragraphs 1 to 3, 5 to 8, 10, 14 to 18, 21, 22 and 25 of Schedule 1) on 15th March 2022, for the purposes only of making regulations or preparing and publishing guidance, and on 6th June 2022 for all other purposes.

Regulation 4 brings sections 14 to 36 into force on 6th June 2022. Sections 14 to 34 provide investigatory and forfeiture powers, section 35 clarifies the scope of section 12 in relation to existing contracts of insurance and section 36 sets out liability for offences committed by corporate officers.

Regulation 5 contains transitional provision in relation to contracts which are in the course of performance on 6th June 2022, the day on which the prohibition against dealing in ivory comes fully into force.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Ivory Act 2018 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 10 (partially)	1st February 2022	2022/ 93 (C. 5)
Section 37(1), (7) and (8) (partially)	1st February 2022	2022/ 93 (C. 5)
Sections 38 and 39 (partially)	1st February 2022	2022/ 93 (C. 5)
Sections 42 to 44 (partially)	1st February 2022	2022/ 93 (C. 5)
Sections 2 to 10 (remaining)	24th February 2022	2022/ 93 (C. 5)
Section 11	24th February 2022	2022/ 93 (C. 5)
Section 37(1), (7) and (8) (remaining)	24th February 2022	2022/ 93 (C. 5)
Sections 38 and 39 (remaining)	24th February 2022	2022/ 93 (C. 5)
Section 40	24th February 2022	2022/ 93 (C. 5)
Section 41	24th February 2022	2022/ 93 (C. 5)
Sections 42 to 44 (remaining)	24th February 2022	2022/ 93 (C. 5)

© Crown copyright 2022

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James,
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2022/288>

ISBN 978-0-34-823323-0



9 780348 233230