

2022 No. 93 (C. 5)

TRADE

WILDLIFE

The Ivory Act 2018 (Commencement No. 1) Regulations 2022

Made - - - -

31st January 2022

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

Citation and interpretation

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

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

Provision coming into force, for the purpose of exercising any power to make regulations, on 1st February 2022

2. Section 1 (prohibition on dealing in ivory) of the Act comes into force for the purpose of exercising any power to make regulations on 1st February 2022.

Provisions coming into force, for the purpose of exercising any power to make regulations, on 1st February 2022 and, for all remaining purposes, on 24th February 2022

3. The following provisions of the Act come into force for the purpose of exercising any power to make regulations on 1st February 2022, and for all remaining purposes on 24th February 2022—

- (a) section 2 (pre-1918 items of outstanding artistic etc value and importance);
- (b) section 3 (applications for exemption certificates);
- (c) section 4 (further provision about exemption certificates);
- (d) section 5 (fresh applications and appeals);
- (e) section 6 (pre-1918 portrait miniatures);
- (f) section 7 (pre-1947 items with low ivory content);
- (g) section 8 (pre-1975 musical instruments);
- (h) section 9 (acquisitions by qualifying museums);
- (i) section 10 (registration);
- (j) section 37(1), (7) and (8) (meaning of “ivory”);

- (k) section 38 (meaning of other expressions);
- (l) section 39 (regulations);
- (m) section 42 (extent);
- (n) section 43 (commencement);
- (o) section 44 (short title).

Provisions coming into force on 24th February 2022

4. The following provisions of the Act come into force on 24th February 2022—

- (a) section 11 (further provision about registration);
- (b) section 40 (financial provision);
- (c) section 41 (Crown application).

Goldsmith of Richmond Park
Minister of State

31st January 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, when fully in force, will prohibit 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 exemptions and registration, so that applications for exemption and registration may be made in advance of the coming into force of the provisions in the Act which impose the prohibition (section 1 and the associated enforcement provisions).

Regulation 2 brings into force section 1 on 1st February 2022 for the purpose only of making regulations. Regulation 3 brings into force sections 2 to 10, 37(1), (7) and (8), 38, 39, 42, 43 and 44 of the Act on 1st February 2022, for the purpose only of making regulations, and on 24th February 2022 for all other purposes.

Sections 3 and 4 of the Act set out process and procedure in relation to applications for exemption certificates and section 5 deals with fresh applications and appeals against refusal or revocation of a certificate. Section 10 sets out procedure in relation to applications for registration of ivory items for the purposes of exemptions under sections 6 to 9.

Section 37(1) and (8) of the Act defines "ivory". Section 37(7) provides a rebuttable presumption that material that is proved to be ivory is ivory from an elephant. Section 38 defines relevant expressions; section 39 provides consequential and supplementary powers and defines "the appropriate national authority". Sections 42, 43 and 44 provide for extent and commencement and for the short title of the Act.

Regulation 3 brings into force sections 11, 40 and 41 of the Act on 24th February 2022. Section 11 makes further provision about registration. Section 40 and 41 deal with financial provision and Crown application.

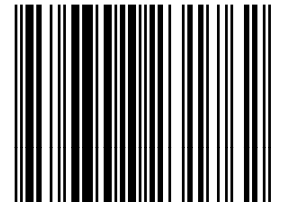
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