



Ivory Act 2018

2018 CHAPTER 30

Other exemptions

6 Pre-1918 portrait miniatures

- (1) An item that has ivory in it is exempt from the prohibition if—
 - (a) the item is a pre-1918 portrait miniature with a surface area of no more than 320 cm², and
 - (b) it is registered under section 10.
- (2) For the purposes of subsection (1)(a) the “surface area” of a portrait miniature does not include any part consisting of or covered by a frame.

7 Pre-1947 items with low ivory content

- (1) An item that has ivory in it is exempt from the prohibition if—
 - (a) the item is pre-1947,
 - (b) all the ivory in the item is integral to it,
 - (c) the volume of ivory in the item is less than 10% of the total volume of the material of which the item is made, and
 - (d) the item is registered under section 10.
- (2) For the purposes of subsection (1)(b) ivory is “integral” to an item if it could not be removed from the item without difficulty or without damaging the item.

8 Pre-1975 musical instruments

- (1) An item that has ivory in it is exempt from the prohibition if—
 - (a) the item is a pre-1975 musical instrument,
 - (b) the volume of ivory in the instrument is less than 20% of the total volume of the material of which the instrument is made, and
 - (c) the instrument is registered under section 10.
- (2) In this section “musical instrument”—

- (a) does not include anything that, although capable of being played as a musical instrument, was not made primarily for that purpose;
- (b) includes a bow, plectrum or other thing made for playing a musical instrument.

9 Acquisitions by qualifying museums

- (1) Dealing in an ivory item to which this section applies is exempt from the prohibition if or to the extent that the dealing—
 - (a) is a sale to, or a purchase or hire by, a qualifying museum, or
 - (b) is done for the purpose of such a sale, purchase or hire.
- (2) This section applies to an ivory item that—
 - (a) was owned by a qualifying museum immediately before the relevant time, or
 - (b) is registered under section 10.
- (3) A museum is a “qualifying museum” if at the relevant time—
 - (a) in the case of a museum in England, the Channel Islands or the Isle of Man, it is shown as being accredited in a list published by or on behalf of Arts Council England;
 - (b) in the case of a museum in Wales, it is shown as being accredited in a list published by or on behalf of the Welsh Government;
 - (c) in the case of a museum in Scotland, it is shown as being accredited in a list published by or on behalf of the Scottish Ministers;
 - (d) in the case of a museum in Northern Ireland, it is shown as being accredited in a list published by or on behalf of the Northern Ireland Museums Council;
 - (e) in the case of a museum anywhere else, it is a member of the International Council of Museums.
- (4) Regulations made by the appropriate national authority may make any amendment to paragraph (a), (b), (c), (d) or (e) of subsection (3) that is consequential on a change of name or transfer of functions involving a body specified in that paragraph.
- (5) In this section—
 - “ivory item” means—
 - (a) an item made of ivory, or
 - (b) an item that has ivory in it,
 but does not include an item consisting only of unworked ivory;
 - “purchase” includes an acquisition for valuable consideration;
 - “the relevant time” means the time of any activity that constitutes dealing in the ivory;
 - “sale” includes a disposal for valuable consideration (and “sell” is to be read accordingly).

10 Registration

- (1) The Secretary of State must register an item under this section if the owner of the item—
 - (a) applies for it to be registered, giving the owner’s name and address,
 - (b) provides a description of the item and of any distinguishing features that it has,
 - (c) provides a photograph of the item showing any such features,

- (d) in the case of an exemption under section 6, 7, or 8—
 - (i) makes a declaration that the item satisfies the relevant exemption conditions, and
 - (ii) provides an explanation of how the item satisfies those conditions,
 - (e) provides information about any dealing in the item that is expected to take place,
 - (f) provides any other information specified in regulations made by the appropriate national authority, and
 - (g) pays to the Secretary of State any fee prescribed by regulations made by the Secretary of State.
- (2) “The relevant exemption conditions” are—
- (a) in the case of section 6, the condition in subsection (1)(a) of that section;
 - (b) in the case of section 7, the conditions in subsection (1)(a) to (c) of that section;
 - (c) in the case of section 8, the conditions in subsection (1)(a) and (b) of that section.
- (3) Regulations under subsection (1)(g) may provide for exemptions.
- (4) Where an item is registered in response to an application under this section, the Secretary of State must provide the applicant with written confirmation of the registration.
- The confirmation must—
- (a) identify the owner of the item;
 - (b) contain a unique number (or combination of letters and figures);
 - (c) contain enough information to identify (so far as possible) the item to which it relates.
- (5) The Secretary of State must keep a record of information (including photographs) provided to the Secretary of State under this section or section 11.

11 Further provision about registration

- (1) The registration of an item under section 10 ceases to be valid if the ownership of the item changes (but the new owner may make a fresh application for registration).
- (2) Where an item is registered under section 10 and—
 - (a) the owner of the item becomes aware that any relevant information relating to the item is inaccurate or incomplete, or
 - (b) any such information becomes inaccurate or incomplete,the owner must notify the Secretary of State accordingly and must provide the Secretary of State with the necessary information to make good the inaccuracy or incompleteness.
- (3) The Secretary of State may cancel a registration under section 10 if it appears to the Secretary of State that—
 - (a) the item concerned does not satisfy the relevant exemption conditions,
 - (b) the registration has become invalid because of subsection (1), or
 - (c) the owner of the item has failed to comply with subsection (2).

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

- (4) The Secretary of State may amend a registration under section 10, or anything recorded under section 10(5), if it appears to the Secretary of State that any relevant information relating to the registered item is, or has become, inaccurate or incomplete.
- (5) In this section—
- “information” includes any declaration or photograph;
 - “relevant information” means any information given to the Secretary of State under section 10 or this section;
 - “the relevant exemption conditions” has the meaning given by section 10(2).