



Ein cyf/Our ref: MA/HIDCC/5236/24

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

22 May 2024

Dear Mike,

I wish to inform the Committee that I have given my consent to the Secretary of State for Environment, Food and Rural Affairs to make the Ivory Act (Meaning of "Ivory" and Miscellaneous Amendments) Regulations 2024.

The former First Minister Mark Drakeford MS made the commitment that the Welsh Government would write to the relevant committees to inform them of an intention to consent to the UK Government exercising a delegated legislative power in a devolved area in relation to Wales. Where possible, this should be done prior to consent being given to allow time for the Senedd to express a view. On this occasion, due to an administrative error, it hasn't been possible to provide the pre-consent letter and allow the Senedd that time.

The Regulations are made in exercise of the powers conferred by sections 2(5), 13, 37(2) and 39(1) of, and paragraph 14(1) of Schedule 1 to, the Ivory Act 2018 ("the Act").

The purpose of the Regulations is to amend the Act, to extend the prohibition against dealing in elephant ivory to additionally include ivory from the following species:

- common hippopotamus (*hippopotamus amphibius*);
- killer whale (*orcinus orca*);
- narwhal (*monodon monoceros*); and
- sperm whale (*physeter macrocephalus*).

It includes a 28-day grace period for buyers, sellers and hirers who have entered into a contract that has yet to complete at the time the regulations come into force.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Regulations also amend Schedule 1 (Prescribed Institutions) to the Ivory Prohibitions (Exemptions) (Process and Procedure) Regulations 2022 to correct the names of some of the institutions prescribed under the Act. Prescribed Institutions provide the Secretary of State with advice on applications for exemption certificates.

It also amends the Ivory Prohibition (Civil Sanctions) Regulations 2022 to specify that the method and date of service for notices relating to enforcement undertakings shall be by post in the ordinary course of delivery or electronically on the day on which the electronic communication is sent.

I would like to reassure this Committee it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. The UK has had a uniform approach to this policy for many years and continued alignment to ensure a consistent approach to defining 'ivory', and managing enforcement proceedings where ivory is imported, is crucial. This reflects the approach taken to align across GB on border and trade issues and provides consistency for traders and enforcement officials by avoiding any inadvertent divergence in application.

The Regulations send a clear message that we do not consider commercial activities involving ivory that could fuel poaching to be acceptable; in order for the prohibition to be introduced across the UK simultaneously, it is sensible for Wales to be included in this UK Statutory Instrument.

The Regulations were laid before the UK Parliament yesterday, 21 May 2024, using the affirmative procedure. They are expected to come into force on 1 September 2024. I have laid a Written Statement to update the Senedd which can be accessed [here](#).

I have also written to the Chair of the Economy, Trade, and Rural Affairs Committee.



Huw Irranca-Davies AS/MS

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Cabinet Secretary for Climate Change & Rural Affairs