

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0183/25

Andrew RT Davies MS
Economy, Trade and Rural Affairs Committee Senedd
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2 April 2025

Dear Andrew,

The Ivory Prohibitions (Exemptions) (Process and Procedure) (Amendment) Regulations 2025

I wish to inform the Committee of my intention to give consent to the Defra Minister for Animal Welfare and Biosecurity, Baroness Hayman of Ullock to make the 'Ivory Prohibitions (Exemptions) (Process and Procedure) (Amendment) Regulations 2025' ("the 2025 SI"). Please be aware that, at the time of writing, my officials had not received a final version of the instrument.

The 2025 SI is being made to amend Schedule 1 (Prescribed Institutions) to the 'Ivory Prohibitions (Exemptions) (Process and Procedure) Regulations 2022' (S.I. 2022/94) ("the 2022 SI").

The 2025 SI will add three additional names to the list of institutions which possess the necessary knowledge and expertise to provide the Secretary of State with advice on applications for exemption certificates under Section 2 to the Ivory Act 2018 ("the Act"). These are:

- National Museums and Galleries on Merseyside;
- National Museums and Galleries of Northern Ireland; and
- National Museum of Wales.

The overarching purpose of the Act is to prohibit commercial activities concerning ivory in the UK, and the import and re-export of ivory for commercial purposes to and from the UK.

The Act prohibits dealing in items made of, or containing, ivory, with limited exemptions for dealing in ivory items that do not contribute directly or indirectly to the ongoing poaching of ivory species. Section 2 of the Act provides for an exemption for "pre-1918 ivory items of outstandingly high artistic, cultural or historical value".

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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.

I am pleased that a Welsh museum is being added to the list of 'Prescribed Institutions'. Wales has a rich cultural heritage and by recognising the expertise within the National Museum of Wales, the SI affords improved access to assessors for the people of Wales.

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 will result in a Welsh institution being added to the 'Prescribed Institutions' list. This will ensure owners and traders of ivory items that reside in Wales will be afforded the opportunity to have their items assessed in Wales, and potentially in the Welsh language. It is unclear whether this could happen without Welsh Ministers' consent.

Whilst a Welsh SI could achieve the same outcome, I am strongly of the view that the benefits of consenting to a UK SI significantly outweigh the risks. It is the most pragmatic approach to achieve consistent implementation of the agreed policy with no risk of deviation, both from a policy and timings perspective.

The Regulations will be laid before the UK Parliament on 23 April 2025 using the negative procedure.

I have also written to the Chairs of the Legislation, Justice and Constitution Committee, and the Culture, Communications, Welsh Language, Sport and International Relations Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written in a cursive style.

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