

## UK Ivory Ban – Civil Sanctions

### Joint Consultation Response from the Musicians Union and the Incorporated Society of Musicians

#### 1. Responding to this consultation

This consultation will run for four weeks. This is in line with the Cabinet Office's 'Consultation Principles' which advises government departments to adopt proportionate consultation procedures. The consultation opens on 23 August 2021 and closes on 19 September 2021.

Please respond to this consultation:

- Via the Citizen Space consultation hub, at:  
<https://consult.defra.gov.uk/communications/enforcing-of-the-ivory-act-2018>;
- By email, to [consultation.coordinator@defra.gov.uk](mailto:consultation.coordinator@defra.gov.uk); or
- In writing to Consultation Coordinator, 2nd Floor, Foss House, Kings Pool, 1-2, Peasholme Green, York, YO1 7PX

2. Our response focusses primarily on how to ensure that the application of civil sanctions does not inadvertently impact musicians whose instruments fall within the exemption for 'pre-1975 musical instruments containing less than 20% ivory by volume'. The UK Government must ensure that no one is unintentionally found to be in breach of the sanctions because of insufficient or unclear information about how the registration of exempt items will work in practice.
3. Given the nature of our response, we felt it was most appropriate to submit a general response, rather than answering each of the questions in turn. Please consider these comments in relation to: **Question 5: If you have any comments about the statutory guidance at Annex A in relation to either its factual accuracy, clarity or intelligibility, we would welcome a detailed description. Please indicate the paragraph and page reference where applicable.**
4. The ISM and Musicians' Union condemn the ivory poaching trade and wholeheartedly support efforts to stop it. We hope the proposals in the Ivory Act will bring about a reduction in the illegal trade in ivory and ensure the long-term protection of elephants.
5. It seems clear that the civil sanctions described in the consultation are being proposed to deter people and organisations from breaching the Act.
6. We are pleased that an exemption has been agreed for musical instruments dated pre-1975 and containing less than 20% ivory by volume.
7. As we made clear in discussions around this exemption, the small amounts of ivory used in instruments is historic and any sale or hire of pre-1975 instruments will not impact the illegal poaching of ivory in the future.

8. We are however concerned that without very clear guidance for musicians from the UK Government as to the requirement and process for registration, some may inadvertently fall foul of the provisions set out in the civil sanctions document.
9. We call on the Government to urgently publish clear guidance on the exact requirements to apply for an exemption certificate. This should include:
  - a. When musicians should apply for this certificate (for instance, how far in advance of any sale, purchase or hire a certificate needs to be obtained)
  - b. Exactly which activities require an exemption certificate
  - c. Whether separate exemption certificates are required for separate items (for instance, whether a stringed instrument and a bow are treated as a single item for the purpose of the certificate, or two separate items)
  - d. Clarification that merely owning and using an instrument containing ivory for commercial professional purposes will only require registration if the owner wishes to trade such an item
10. We appreciate that many of the details set out in Point 9 are clarified in the Government's consultation document on the Implementation of the Ivory Act 2018 which ran earlier in 2021, and the recent response to this consultation. However, it is extremely important that guidance on all these points also be provided in a simple, clear format on the Government website, presented in such a way that it can be easily and directly disseminated by organisations, such as ours, to musicians.
11. While we do not believe our members would ever wilfully wish to breach the Act, we are very concerned that without clear guidelines and information, inadvertent breaches are a possibility. The Government should take all necessary steps to ensure musicians understand the rules clearly.
12. Finally, while it may be outside of the scope of this consultation, we would like to ask for clarification that the fee associated with registering an exempt item will be fixed at £20 – as suggested in the original consultation on the implementation of the Ivory Act.
13. We are disappointed that our request that individual musicians be exempt from fees for registration, made in our response to the 2021 consultation on the implementation of the Act, has not been accepted by Government. We would request that this decision be revisited.
14. We would like to reiterate our request, also made in our previous consultation response, that items (such as bows for stringed instruments) which are bought and sold regularly should only need to be registered once, with subsequent owner names being updated, without incurring an additional fee. Our

understanding from the Government's consultation response is that this will be kept under review and "depending on numbers of registrations being made, the fee may subsequently be adjusted". We welcome this but ask that you to make a stronger commitment on this matter and fix a timeframe for this review to be undertaken.

15. Thank you for your consideration of our response. If you require additional information or clarification on any points made here, please do not hesitate to contact us.

The Musicians Union:

The British Musicians' Union was established in 1893 and represents over 31,000 musicians working in all sectors and genres of music. As well as negotiating on behalf of its members with all the major employers in the industry, the MU offers a range of services tailored for the self-employed by providing assistance for professional and student musicians of all ages. More info: [theMU.org](http://theMU.org)

The ISM:

The Incorporated Society of Musicians is the UK's professional body for musicians and a nationally-recognised subject association for music. We were set up in 1882 to promote the art of music and to protect the interests and honour of all musicians. Today we support almost 11,000 members with unrivalled services and expert advice, from study up until retirement and beyond. We are a wholly independent, non-profit-making organisation.

Ends ....17.09.21