

Five ivory objects that will be exempt from a proposed trade ban

April 10 2018, by Caroline Cox



Credit: Monstera Production from Pexels

When Michael Gove first called for responses from the public to his plan to [ban ivory sales](#) back in October 2017, the environment secretary said a ban would "put the UK front and centre of global efforts to end the

insidious trade in ivory".

Four months and 127,607 consultation responses later, Defra (the UK's Department for Environment, Food and Rural Affairs) has published [its own response](#), confirming a ban will come into effect once legislation can be passed.

The law will close the "antiques exemption" in the current legislation, which allows for the sale of ivory that was carved pre-1947. The problem was that same exemption also enabled unscrupulous or unknowledgeable sellers to pass off illegal post-1947 ivory items as if they were older.

The [ivory trade](#) won't be entirely banned under the new regulations, however, and some exemptions will remain:

1. Pianos

Pianos fall under the first exemption, which relates to musical instruments made before 1975 where ivory makes up less than 20% of the volume. This covers most familiar instruments such as pianos with ivory keys and violin bows.

The musicians unions lobbied hard for the exemption to be included, and this will come as a great relief for them. Most respondents to the consultation opposed such an exemption, but Defra believes that the continuing use and trade in pre-1975 instruments would not contribute to further poaching.



Credit: Monstera Production from Pexels

2. Furniture with ivory decoration

The second exemption category is perhaps the most controversial. It allows for trade in objects where ivory makes up less than 10% of the volume, and as long as it was carved pre-1947. Representatives of the arts and antiques sector naturally wanted much more lenient rules – up to 50% ivory – but Defra took a tougher line. Most furniture with decorative ivory will remain exempt from the ban but commonly traded artefacts such as [netsuke](#) will not.

3. Portrait Miniatures

Another exemption considers portrait miniatures at least 100-years-old from the start of the new rules. These small portraits were often painted on whisper thin slivers of ivory and encased in glass fronted locket. The ivory used is so thin that it cannot be re-curved.

4. Museum pieces

Defra has also introduced an exemption for museums, which will keep their right to sell to, or buy from, accredited museums in the UK or elsewhere. Many of those in favour said it was important to protect cultural heritage and to conserve pieces for educational and research purposes.



Credit: AI-generated image ([disclaimer](#))

5. The Flagellation of Christ by Jacobus Agnesius

This 17th-century ivory carving was sold by Christies auctioneers in 2016 [for £965,000](#).

Another expressive, large-scale ivory by Jacobus [#Agnesius](#) surfaces [@ChristiesInc](#) <https://t.co/DV2ZqItVYa> pic.twitter.com/GkAq1O6Nvs

— Valmouth (@rfirbanksy) [November 15, 2016](#)

It is mentioned here as an example of one of the relatively small number of items that would fall under the final exemption, for items of "artistic, historic or cultural value". Such items must be an example of the rarest of their type. Defra will seek out specialist knowledge from advisory institutions such as museums before granting an exemption under this category.

As one of the [largest and most remarkable](#) statues of its kind in the world, and one of just a handful of confirmed works [by its sculptor](#), "The Flagellation of Christ" would warrant an exemption. But that nice carving you picked up on holiday? Probably not.

To enforce the ban, the government wants to introduce new compliance rules which will be administered by the [Animal and Plant Health Agency](#). Owners of [ivory](#) items who wish to sell them will have to consider which exemption they come under and then register the items on an online database which will be accessible by the government, the regulatory body and the police. The database generates a unique number. As time goes on, the database will get bigger and unregistered items will become impossible to sell.

Putting the onus on the seller should make the policing of the new rules

much easier. Breaches of the new rules will involve both civil punishments such as stop notices or fines, and criminal charges with the offender sentenced to up to five years in jail.

Yes, this represents more "red tape" if you are thinking of selling your old piano or antique furniture. But the elephants will thank us.

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