

Minister for Climate Action
Ministear airson Gnìomhachd na Gnàth-shìde
Alasdair Allan MSP
Alasdair Allan BPA

 **Scottish Government**
Riaghaltas na h-Alba

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Finlay Carson
Convener
Rural Affairs and Islands Committee
Scottish Parliament
Edinburgh
EH99 1SP

31 January 2025

Dear Finlay,

**THE IVORY ACT 2018 (MEANING OF “IVORY” AND MISCELLANEOUS AMENDMENTS)
REGULATIONS 2025
PROTOCOL WITH SCOTTISH PARLIAMENT**

The Scottish Parliament agreed on 15 May 2024 that it was content for Scottish Ministers to give their consent to the draft Ivory Act (Extension of Meaning of “Ivory”) (Transitional Provision and Miscellaneous Amendments) Regulations 2024 including Scottish devolved matters, as set out in the notification to the Parliament sent on the 24 April 2024.

A revised version of the SI, with some relatively minor changes, was made on the 07 January 2025. The title of the instrument has been amended to reflect the updated content of the instrument, the instrument is now the Ivory Act 2018 (Meaning of “Ivory” and Miscellaneous Amendments) Regulations 2025 (“the 2025 Regulations”). The delay between notification and the regulations being made is a result of the UK general election.

There has been a variation in the approach taken to some of the provisions included in the 2025 Regulations from the draft regulations which were notified on the 24 April 2024, however the Scottish Government does not consider the variation to be so significant as to engage the need for a further process of obtaining the Parliament’s approval. As was notified, the 2025 Regulations extends the meaning of “ivory” to four species listed under the Convention on International Trade in Endangered Species (CITES): hippopotamus, narwhal, killer whale and sperm whale. The draft instrument also included transitional provisions in relation to ongoing contracts for dealing in ivory which would otherwise be prohibited and provisions proposing to amend the methods by which the Secretary of State can send notices under Part 3 of the Ivory Prohibition (Civil Sanctions) Regulations 2022 (to include electronic communications). However, the 2025 Regulations do not make any transitional provision in relation to contracts that are in the course of performance or make provision to allow notices under Part 3 of the Ivory Prohibition (Civil Sanctions) Regulations 2022 to include electronic communications.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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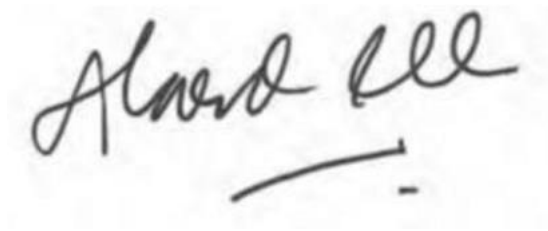


We have sought clarification from the UK Government as to the rationale for omitting these provisions but we do not consider the omission of these provisions to raise any issues.

The Scottish Government is content with the approach taken and is satisfied that this variation is not significant given the substantive proposal, to extend the provisions of the Ivory Act 2018 to the four species listed above, is in keeping with the terms of the notification and consent granted by the Parliament.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alasdair Allan', with a horizontal line underneath.

Alasdair Allan

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