 

# Enforcement undertaking offer under the Ivory Act 2018 civil sanctions

**Information on enforcement undertakings is available in section 2 of** [the Statutory guidance on the Ivory Act 2018 enforcement and civil sanctions](https://www.gov.uk/government/publications/ivory-act-2018-enforcement-and-civil-sanctions/ivory-act-2018-enforcement-and-civil-sanctions) and in section 13 of and Schedule 1 to [the Ivory Act 2018](https://www.legislation.gov.uk/ukpga/2018/30/contents/enacted) and in Part 3 of [the Ivory Prohibition (Civil Sanctions) Regulations 2022](https://www.legislation.gov.uk/uksi/2022/311/contents/made).

An enforcement undertaking is an agreement made between you and the Animal and Plant Health Agency (APHA) for you to take specific action within a specified time period to:

* stop an offence at the earliest opportunity
* restore what would have been if the offence had not been committed (where possible)
* make sure the offence does not continue or happen again

For the purposes of this form an enforcement undertaking is referred to throughout as an ‘undertaking’.

We can provide you with advice and guidance on making an offer of an undertaking. We’ll not enter into negotiations with you as the actions you offer are a matter for you. For advice and guidance, you can email us at ivoryce@apha.gov.uk

If we’ve written to you inviting you to make an enforcement undertaking offer, you have 28 days to make your offer starting from the date on the letter we sent you.

## How to complete this form

To make an offer, you must:

* download a copy of this form and save it to your computer to fill it in. Remember to save a copy of the completed form before you submit it to us
* make your offer in writing. It will help us to assess your offer if you use this form. You may use an alternative format, but you must provide all the details requested in parts 1 to 3 of this form and include the full declaration from this form at part 4
* complete parts 1, 2 and 3 of this form and sign the declaration in part 4. When you have signed the form, you must return it to APHA

If you wish to provide any documents to support your offer (for example, a proof of sale), you can submit this alongside your completed form.

##  Submitting the form

Submit your completed form either:

* by email to ivoryce@apha.gov.uk
* by post to:

Ivory Compliance and Enforcement team

APHA

Centre for International Trade - Bristol

Horizon House

Deanery Road

Bristol

BS1 5AH

We are unable to receive emails larger than 5MB in size. If your completed form is above this size, you can either:

* reduce the file size
* send any supporting documents as separate emails
* send the form and any supporting documents by post

## What happens next

After consideration of your offer of an undertaking we’ll either:

* accept your offer
* reject your offer
* reject it and invite you to make an offer in revised terms

We may ask you for further information about your offer. We must make a decision on whether to accept or reject your offer of an undertaking within 28 days of receiving the offer.

If we reject your offer, we’ll notify you within 28 days from the date we received your offer.

# Part 1 – Information about the person making the offer

You must provide all the information requested about the person or organisation making the offer.

1.0 Capacity of the person making the proposal (tick the relevant box)

[ ]  Private individual or sole trader

[ ]  An officer or employee of a business (or similar), acting on behalf of the organisation (the offer should be made by a person at an appropriate level of the business)

[ ]  Partnership, group of individuals (for example, a club), or other non-incorporated entity

[ ]  Public body (for example, local authority)

1.1 Full name of person making offer

Click or tap here to enter text.

1.2 Address

Click or tap here to enter text.

1.3 Telephone number (including the area code)

 Click or tap here to enter text.

1.4 Email

 Click or tap here to enter text.

## Organisation details

### Fill in this section if you are making this offer on behalf of a business or organisation.

1.5 Name of business or organisation

Click or tap here to enter text.

1.6 Job title or position of the person making the offer

 For example, chief executive, director, secretary, partner

 Click or tap here to enter text.

### 1.7 Business or organisation registration number

For example, a Companies House number or Charity Commission number

Click or tap here to enter text.

### Main contact details

This section is about the person who we should contact to discuss this offer. Only complete this section, if this is different from contact details supplied about the person making the offer.

1.8 Full name

Click or tap here to enter text.

1.9 Telephone number

Click or tap here to enter text.

1.10 Email

Click or tap here to enter text.

1.11 Job title or position

Click or tap here to enter text.

# Part 2 – Description of the suspected offence for which this undertaking is made

You must provide information about the suspected offence. We will consider your offer if we have reasonable grounds to suspect that an offence has been committed.

2.0 Date of the suspected offence. Specify the exact date or dates on or around the suspended offence

Click or tap here to enter text.

2.1 Location of the suspected offence. Provide details of location including the full postal address and postcode

Click or tap here to enter text.

2.2 Do you have an Ivory registration number or an exemption certificate reference number for the items involved in the suspected offence?

Specify the type (registration or exemption certificate) and provide reference numbers

Ivory registration numbers and exemption certificate numbers are 8 characters long and consist of letters, or a mix of numbers and letters.

You can find your registration number on your email confirmation from APHA. You can find your exemption certificate number on your exemption certificate issued by APHA. Contact APHA by emailing IvoryAct@APHA.gov.uk if you are unable to locate your registration or exemption number.

Click or tap here to enter text.

2.3 In your own words, please describe why you have proposed an undertaking. Your answer should include a description of the suspected offence.

Click or tap here to enter text.

# Part 3 – Details of your offer of an undertaking

You must provide the details requested in sections 3.0 to 3.2 for each action or step proposed for the undertaking you are offering.

If you want to add details of a further action proposed for the undertaking, please copy and paste sections 3.0 to 3.2 and provide the requested information for the further action.

Your offer must include:

* the date when the suspected offence stopped, or when it will stop (whichever is earliest)
* details of each action or step you’ll take
* the date when you’ll complete each action or step

So that we can monitor and determine whether or not the undertaking has been complied with:

* you, or another person on your behalf, may need to provide us with relevant information
* we may need access to business premises for the purpose of inspection

We will treat this undertaking as if it had not been complied with if you give us inaccurate, misleading or incomplete information.

## Action 1

3.0 The action or step you are offering to take:

Click or tap here to enter text.

3.1 What information you intend to provide to show you have met this action:

Click or tap here to enter text.

3.2 The date you expect to complete this action:

Click or tap here to enter text.

# Part 4 – Declaration

By signing this form, I understand that:

* I do not have a statutory right of appeal if APHA decide to reject this offer
* if I complete all the actions and comply with all the terms of the undertaking for the suspected offence, I will not face criminal prosecution for that offence or be given a monetary penalty in relation to that suspected offence
* if I do not complete the undertaking or only complete part of it, I may face criminal prosecution or alternative civil sanctions for the suspected offence
* I may need to provide APHA with information when requested so it can determine whether or not the undertaking has been complied with
* if I give inaccurate, misleading or incomplete information APHA will treat this undertaking as if it had not been complied with and if a certificate of compliance has already been issued this will be revoked
* if my offer of an undertaking is accepted by APHA they may publish information about my undertaking as agreed in accordance with Regulation 11 of the Ivory Prohibition (Civil Sanctions) Regulations 2022 and as described in chapter 6 of the statutory guidance
* if I believe I have complied with all the terms of the undertaking as agreed with APHA, I may apply to the APHA in writing for a certificate of compliance with the terms of the undertaking. I may apply for a certificate of compliance at any time. An application for a certificate of compliance must include evidence to demonstrate compliance with the steps set out in the undertaking
* this offer does not constitute an admission of guilt for any suspected offences to which this undertaking relates
* APHA may accept or reject this offer or invite me to make an offer in revised terms
* if I am unable to comply with the terms of the undertaking, I may apply in writing to APHA for variation. Once agreed, his undertaking can only be varied with APHA’s further written agreement
* APHA may monitor compliance with the undertaking
* APHA may need access to premises for the purposes of inspection to monitor compliance with the undertaking
* once agreed, this undertaking will remain in force until APHA either issue a certificate of compliance or inform me in writing that I have not fully complied with it
* if APHA decide not to issue a certificate of compliance or revokes a certificate of compliance, in accordance with Regulation 23 of the Ivory (Civil Sanctions) Regulations 2022, I may appeal this decision to the first-tier Tribunal
* acceptance of this undertaking by APHA for a suspected offence which involves the payment of a sum of money to a third party does not stop the right of that third party to take civil proceedings against me on their own account
* acceptance of this undertaking does not affect APHA’s powers to investigate a suspected offence arising from future dealing in ivory, or to impose a civil sanction or pursue a criminal prosecution in relation to any such future dealing

The person making the offer of an undertaking must sign this declaration.

We will return your offer if it has not been completed in full or signed by the correct person.

**Signature**

Click or tap here to enter text.

**Print name**

Click or tap here to enter text.

**Date**

Click or tap to enter a date.