

Legislative Consent Memorandum

Cultural Objects (Protection from Seizure) Bill

Background

1. This memorandum has been lodged by Angus Robertson, Cabinet Secretary for Constitution, External Affairs and Culture, under Rule 9.B.3.1(b) of the Parliament's Standing Orders, and is supported by Jenny Gilruth, Minister for Culture, Europe and International Development. The Cultural Objects (Protection from Seizure) Bill is a Private Members' Bill that was introduced in the House of Commons on 18 June 2021 and concluded Commons Committee stage on 17 November 2021. The Bill can be found at the UK Parliamentary website, link attached.

[Cultural Objects \(Protection from Seizure\) Bill - Parliamentary Bills - UK Parliament](#)

Content of the Cultural Objects (Protection from Seizure) Bill

2. Under section 134 of the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act"), cultural objects on loan from abroad to UK museums and galleries approved under the 2007 Act are protected from seizure or forfeiture for a period of 12 months from the date the object enters the UK. The Bill will provide an amendment to the 2007 Act to allow the period of protection to be extended for a further period of up to 3 months. The decision to extend a period of protection will be made at the discretion of the Secretary of State for Digital, Culture, Media and Sport, or the relevant authority in the devolved administrations.

3. The Bill will amend the 2007 Act to allow the Secretary of State or, for objects on temporary display at a museum in Scotland, for the Scottish Ministers to agree an extension to the 12 month limit, at their discretion and in particular cases, where the need arises due to unforeseen circumstances. The Bill will also amend the 2007 Act to clarify that works temporarily moved into storage prior to being returned to the country of origin would be protected under the Act.

4. This extension will alleviate concerns of museums and international lenders that the protection may expire whilst loans are delayed within the UK.

Provisions which relate to Scotland

5. Section 134 of the 2007 Act (protection of cultural objects on loan: protected objects) is being amended in order that the Scottish Ministers may extend the maximum protection period for objects on temporary display at a museum in Scotland by further periods of up to 3 months.

Reasons for seeking legislative consent

6. Clause 1 of the Bill requires the consent of the Scottish Parliament as it is within the legislative competence of the Parliament and alters the executive competence of the Scottish Ministers.

7. Whilst the risk of seizure is extremely small a number of countries, particularly Russia and Egypt, place great importance on having this protection. Providing a greater degree of certainty over the protection available, and knowledge that it can be extended in certain circumstances, will increase the confidence of international lenders and provide a boost to the UK exhibitions sector.

8. This measure will also enable museums impacted by Covid-19 to extend the run of their exhibitions, providing much needed cultural offers for the public. For the country's museums, exhibitions are an important source of income which will be ever more important as they recover from the impact of Covid-19.

Consultation

9. Officials have been in contact with Museums Galleries Scotland, National Galleries of Scotland and the National Library of Scotland to make them aware of the Bill and will continue to update them on its progress. They are supportive of the Bill.

Financial implications

10. There are no financial implications for the Scottish Government.

Conclusion

11. The Covid-19 pandemic has had a serious financial impact on the Museum and Galleries sector as the exhibitions they run are an important source of income. This Bill will provide assurance to the sector and allow the period of protection of cultural objects to be extended beyond 12 months by a further period of up to 3 months.

Draft legislative consent motion

12. The draft motion, which will be lodged by the Minister for Culture, Europe and International Development, is:

“That the Parliament agrees that the provisions of the Cultural Objects (Protection from Seizure) Bill, introduced in the House of Commons on 18 June 2021, relating to culture and protection of cultural objects, so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of Scottish Ministers, should be considered by the UK Parliament.”

Scottish Government
December 2021

This Legislative Consent Memorandum relates to the Cultural Objects (Protection from Seizure) Bill (UK legislation) and was lodged with the Scottish Parliament on 1 December 2021

Cultural Objects (Protection from Seizure) Bill – Legislative Consent Memorandum

Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot

Produced and published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish Parliament website at: www.parliament.scot/documents