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Constitution, Europe, External Affairs and Culture Committee

Legislative Consent Memorandum on the Cultural Objects (Protection from Seizure) Bill (UK Legislation)



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Constitution, Europe, External Affairs and Culture Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) the Scottish Government's EU and external affairs policy;
- (b) policy in relation to the UK's exit from the EU;
- (c) the international activities of the Scottish Administration, including international development; and
- (d) any other matter falling within the responsibility of the Cabinet Secretary for the Constitution, External Affairs and Culture and any matter relating to inter-governmental relations within the responsibility of the Deputy First Minister.



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Introduction

1. The [Cultural Objects \(Protection from Seizure\) Bill](#) is a private Member's bill which was introduced in the House of Commons on 18 June 2021 by Mel Stride MP.
2. A [Legislative Consent Memorandum](#) (LCM) for the Bill was lodged by the Cabinet Secretary for Constitution, External Affairs and Culture on 1 December 2021; with the Parliamentary Bureau subsequently referring it to the Constitution, Energy, External Affairs and Culture Committee as the lead Committee.
3. The Bill amends section 134 of the [Tribunals, Courts and Enforcement Act 2007](#), a UK Act which makes provision for automatic protection from seizure or forfeiture of art objects brought into the UK on loan for temporary public exhibition in museums and galleries.
4. Protection from seizure or forfeiture may last for a maximum of 12 months after the date the object entered the UK. The Bill provides that a 'relevant authority' may extend the maximum period of protection for a further three months. The relevant authority in Scotland is the Scottish Ministers.
5. The Scottish Government is of the view that the Bill will provide assurance to the sector. The LCM states that the power to extend the period of protection for cultural objects on loan, in certain circumstances, will alleviate concerns of museums and international lenders that protection may expire if loans are delayed within the UK, and increase international lenders' confidence and willingness to lend exhibits thereby providing a boost to the UK exhibitions sector.

Consideration by the Delegated Powers and Law Reform Committee

6. The DPLR Committee considered the LCM on 18 January and published its [Legislative Consent Memorandum: delegated powers relevant to Scotland in the Cultural Objects \(Protection from Seizure\) Bill](#) report on 24 January 2022.
7. It found the power conferred on the Scottish Ministers to extend the protection period for cultural objects on loan in Scottish institutions in clause 1 of the Bill “acceptable in principle”. Furthermore—
 - ” “The Committee is also content that the Scottish Ministers exercise this power by way of administrative decision.”
8. The DPLR Committee’s report raises no issues of concern.

Consideration by the CEEAC Committee

9. The Committee wrote on 7 February 2022 to relevant stakeholders seeking views – all responses published on the [Committee's webpage](#).
10. Museums Galleries Scotland stated—
 - ” “This is a reasonable measure in light of the travel disruption caused by the pandemic, and Museums Galleries Scotland supports this proposal.”
11. According to the National Library of Scotland—
 - ” “The National Library supports the Bill in recognition of the impact the extension to the duration of protection may have on future exhibitions to be held here in Scotland.”
12. National Galleries of Scotland wrote—
 - ” “We welcome this amendment and are supportive of the Bill. This will enable us to alleviate potential lender concerns and continue to provide immunity from seizure, should an object be delayed while on loan.”

Conclusion

13. **The Committee, having sought views from those most impacted by what is proposed in the Bill, agrees with the recommendation of the Scottish Government that – insofar as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of the Scottish Ministers – they should be considered by the UK Parliament.**

