



The Scottish Parliament
Pàrlamaid na h-Alba

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**Culture, Tourism, Europe and External Relations
Committee**
**Comataidh Turasachd, Eòrpach agus Dàimhean Taobh a-
muigh**

**Holocaust (Return of Cultural Objects)
(Amendment) LCM**



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Culture, Tourism, Europe and External Relations Committee

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

- (a) proposals for European Union legislation;
- (b) the implementation of European Communities and European Union legislation;
- (c) any European Communities or European Union issue;
- (d) the development and implementation of the Scottish Administration's links with countries and territories outside Scotland, the European Union (and its institutions) and other international organisations; and
- (e) co-ordination of the international activities of the Scottish Administration.
- (f) culture and tourism matters falling within the responsibility of the Cabinet Secretary for Culture, Tourism and External Relations



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Scottish Liberal
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Background

1. The Holocaust (Return of Cultural Objects) (Amendment) Bill ("the Bill") was introduced in the House of Commons as a Private Member's Bill by the Rt Hon Theresa Villiers MP on Tuesday, 13 March 2018 under the Ten Minute Rule.
2. The Bill seeks to remove a sunset clause from the Holocaust (Return of Cultural Objects) Act 2009 ("the parent legislation") to prevent it from expiring on 11 November 2019.
3. Fiona Hyslop MSP, Cabinet Secretary for Culture, Tourism and External Affairs, lodged a legislative consent memorandum (LCM) for the Bill on behalf of the Scottish Government on 15 March 2018.
4. The LCM explains why the Scottish Parliament's consent is required for this Bill—
 - ” The application of the parent legislation extends to England and Wales and Scotland (section 4(2)). A number of the institutions specified in section 1 are located in Scotland, and the consent of Scottish Ministers is required before a Scottish institution may transfer an object (section 2(4)). It is intended that the extent of the Act should remain the same and a legislative consent motion is therefore required.
5. The timescale for the Scottish Parliament to give its consent to the UK Parliament to legislate on devolved matters is generally the last amending stage in the first House (in this case, the report stage in the House of Commons).
6. At the time of reporting, the Bill is scheduled to receive its second reading in the House of Commons on 15 June 2018. The date for consideration of the Bill at report stage is not yet known.

Committee scrutiny

7. The Session 3 Education, Lifelong Learning and Culture Committee took evidence from the then Minister for Culture, External Affairs and the Constitution when it considered the legislative consent memorandum for the parent legislation on 17 June 2009. The then Minister explained that no claims had been made in respect of the collections regulated by the Act (i.e. those held by certain national institutions) in Scotland. The Minister noted, however, that one claim had arisen in Scotland relating to the Burrell Collection (which is not a national collection regulated by the Act).
8. The Culture, Tourism, Europe and External Relations Committee ("the Committee") agreed by correspondence to seek further information on the claims that have been made to date under the parent legislation from the Scottish Government.
9. The Cabinet Secretary for Culture, Tourism and External Affairs confirmed that no claims have been made in respect of the collections held by Scottish national institutions designated under the Act when she wrote to the Committee on 11 April 2018.
10. The Cabinet Secretary explained that the only claim that has arisen in Scotland (relating to the Burrell Collection) was considered by the Spoliation Advisory Panel and a settlement was reached in August 2015.
11. The Committee considered the Cabinet Secretary's response at its meeting on 19 April 2018 and agreed to recommend that the Scottish Parliament give its consent to the legislative consent motion as set out in the Scottish Government's legislative consent memorandum.
12. It is noted, however, that the Bill may be amended during its passage through the House of Commons and the House of Lords. As the scope and purpose of this Bill is very simply to remove a sunset clause from the parent legislation, any amendments may impact on its intended purpose.
13. The Committee therefore considers that it would be desirable for the Scottish Government to lodge a supplementary legislative consent memorandum if any amendments are made to the Bill during its passage through the House of Commons and the House of Lords.

Conclusions and recommendations

14. The Committee recommends that the Scottish Parliament give its consent to the legislative consent motion as set out in the Scottish Government's legislative consent memorandum.
15. The Committee further considers that it would be desirable for the Scottish Government to lodge a supplementary legislative consent memorandum if any amendments are made to the Bill during its passage through the House of Commons and the House of Lords.

Annexe A

Minutes of meeting

16. [10th meeting, 19 April 2018.](#)

Holocaust (Return of Cultural Objects) (Amendment) Bill (UK Parliament legislation): The Committee considered legislative consent memorandum LCMS5-15 lodged by Fiona Hyslop MSP, Cabinet Secretary for Culture, Tourism, and External Affairs, and agreed to recommend that the Parliament give consent to the LCM and delegated responsibility to the Convener and the Clerks to produce a report on the LCM and arrange for its publication.

Official report

17. [Thursday, 19 April 2018.](#)

Written evidence

18. A copy of the written evidence received can be found in the meeting papers for [Thursday, 19 April 2018.](#)

Draft motion

- ” “That the Parliament agrees that the relevant provisions of the Holocaust (Return of Cultural Objects) (Amendment) Bill, introduced in the House of Commons on 13 March 2018, relating to the repeal of section 4(7) of the Holocaust (Return of Cultural Objects) Act 2009, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.”

