

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## CULTURAL OBJECTS (PROTECTION FROM SEIZURE) BILL

*Wednesday 17 November 2021*

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CLAUSES 1 AND 2 agreed to.  
Bill to be reported, without amendment.

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**Sunday 21 November 2021**

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**The Committee consisted of the following Members:***Chair:* STEWART HOSIEAli, Rushanara (*Bethnal Green and Bow*) (Lab)Brennan, Kevin (*Cardiff West*) (Lab)† Brine, Steve (*Winchester*) (Con)† Bryant, Chris (*Rhondda*) (Lab)Buchan, Felicity (*Kensington*) (Con)† Dinenage, Caroline (*Gosport*) (Con)Eagle, Dame Angela (*Wallasey*) (Lab)† Garnier, Mark (*Wyre Forest*) (Con)† Huddleston, Nigel (*Parliamentary Under-Secretary  
of State for Digital, Culture, Media and Sport*)† Lamont, John (*Berwickshire, Roxburgh and Selkirk*)  
(Con)† Lord, Mr Jonathan (*Woking*) (Con)† McGovern, Alison (*Wirral South*) (Lab)Richardson, Angela (*Guildford*) (Con)Shannon, Jim (*Strangford*) (DUP)† Stride, Mel (*Central Devon*) (Con)† Watling, Giles (*Clacton*) (Con)† Wilson, Sammy (*East Antrim*) (DUP)Adam Mellows-Facer, *Committee Clerk*† **attended the Committee**

## Public Bill Committee

Wednesday 17 November 2021

[STEWART HOSIE *in the Chair*]

### Cultural Objects (Protection from Seizure) Bill

9.25 am

**The Chair:** Before we begin, let me make a few preliminary remarks. Members are expected to wear face coverings when they are not speaking and to maintain social distancing as far as possible. Please give each other and members of staff space when seated and when entering and leaving the room. I remind Members that they are asked by the House authorities to have a lateral flow test twice a week if coming on to the parliamentary estate. That can be done either at the testing centre or at home.

Please switch your telephones to silent. *Hansard* colleagues would be grateful if Members could email their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk). The selection and grouping list for today's sitting is available online and in the room. No amendments were tabled; we will have a single debate covering both clauses of the Bill.

#### Clause 1

##### PROTECTION OF CULTURAL OBJECTS ON LOAN

*Question proposed,* That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to consider clause 2 stand part.

**Mel Stride** (Central Devon) (Con): Thank you very much indeed, Mr Hosie. May I say what a pleasure it is to serve under your chairmanship? It takes me right back to all those Finance Bills that we got through together, which were immensely entertaining and rewarding.

**Chris Bryant** (Rhondda) (Lab): That's not true!

**Mel Stride:** No, they were—beauty is in the eye of the beholder, as it were.

I thank all Members for supporting and attending the Committee, particularly my hon. Friend the Member for Gosport. As the Minister at the time that the Bill was introduced, she was particularly helpful to me and encouraged me to bring these measures to the House.

The Bill is a short, two-clause Bill with a simple objective: to allow the relevant approving authorities to extend immunity from seizure beyond the current 12-month period allowed for in legislation in cases where museums are unable to return loaned objects from abroad because of unforeseen circumstances. The relevant approving authorities are the Secretary of State for Digital, Culture, Media and Sport in England, Ministers in Scotland and Wales, and the Department for Communities in Northern Ireland. The Bill will allow the relevant authority to extend the period of protection for up to three months. This power may be exercised on more than one occasion in relation to a particular object.

The Bill enjoyed strong cross-party support on Second Reading, and no amendments have been tabled. For the following reasons, I hope that the Committee will feel able to support the Bill's passage to Report and Third Reading.

It may be helpful if I explain why the Bill is important for our museums and galleries, and for the institutions abroad that so generously lend their art treasures for the benefit of the UK public. The Bill seeks to amend part 6 of the Tribunals, Courts and Enforcement Act 2007, which provides immunity from seizure for cultural objects on loan from abroad in temporary exhibitions in museums and galleries in the UK. Under section 134 of that Act, cultural objects on loan from abroad to exhibitions held in UK museums and galleries approved under the Act are protected from court-ordered seizure for a period of 12 months from the date the object enters the United Kingdom. That legislation was adopted in response to growing international concern that works of art were in danger of being seized while abroad by those who claimed that they were owed money by a foreign state or because of territorial disputes between countries.

Section 134 of the 2007 Act provides that an object will be protected against seizure throughout the UK if it meets the conditions under section 134(2) and it is brought here for temporary public display by a museum or gallery that is approved under section 136 of the Act by the Secretary of State for Digital, Culture, Media and Sport or the appropriate authority in the devolved Administrations. The Secretary of State for Digital, Culture, Media and Sport is responsible for approving institutions in England, and the devolved Administrations have similar powers in Scotland, Wales and Northern Ireland. To gain approval under the Act, institutions must demonstrate that their procedures for establishing the provenance and ownership of objects are of a high standard.

In 2007, it was considered that 12 months was an adequate period to allow objects to arrive in the UK and to be returned following their inclusion in a temporary exhibition. Section 134(4) of the 2007 Act therefore provides that the protection continues

“for not more than 12 months beginning with the day when the object enters the United Kingdom.”

The only exception to that, in which case the period can be extended, is where an object suffers damage and repair work is required.

There are now 38 institutions across the UK that have been approved for immunity from seizure, and where objects on loan from abroad have received protection. Exhibitions such as “Tutankhamun” at the Saatchi Gallery in 2019, which was visited by more than 580,000 people, would not have been possible without immunity from seizure being in place.

**Caroline Dinenage** (Gosport) (Con): I pay tribute to my right hon. Friend for taking this Bill on. I know that there are huge pressures when a Member is selected to introduce a private Member's Bill. This small change is remarkably important, and I thank him for taking it up. Does he agree that just this little change will make a huge difference in offering the reassurance and comfort that overseas lenders might need when we welcome some of their treasures to our shores? That is really important if we are serious about levelling up. We want

to ensure that the British public can enjoy, appreciate and learn from treasures from around the world, and the Bill will provide that bit of extra comfort to those who are prepared to lend them.

**Mel Stride:** I thank my hon. Friend very much for that intervention. She is entirely right that what lies at the heart of the Bill is providing that comfort—that reassurance—to lenders to make sure that these wonderful artefacts, such as those in the “Tutankhamun” exhibition, come to our shores. If I may say so, I think it is particularly important that we bring this measure forward now, given that covid and lockdown have affected a lot of important museums and galleries. Anything we can do to encourage and improve things for them is particularly important at this time.

Applications for approval are still being considered as museums look to increase their capacity to host international exhibitions. For example, the Wallace Collection was approved for immunity from seizure in May this year, in advance of its Frans Hals exhibition, which features the artist’s widely recognised painting, the Laughing Cavalier. Since it entered the Wallace Collection in 1865, that iconic image has never been seen together with other works by the artist. Immunity from seizure has enabled many works by Frans Hals to come together for that exhibition and to be enjoyed alongside that wonderful work, with their owners knowing that their artworks will be protected from seizure.

As I set out on Second Reading, despite the careful planning of exhibition schedules, unforeseen delays do occur, including to transport. I gave the example of the Icelandic volcano that erupted in 2010. More recently, of course, the covid-19 pandemic closed museums and cancelled flights. That meant that even where exhibitions had concluded, it was not always possible to return loaned items within the 12-month limit.

The Bill will allow the period of protection to be extended beyond 12 months at the discretion of the Secretary of State for Digital, Culture, Media and Sport for institutions in England, or the relevant authority in the devolved nations. The circumstances under which an extension may be considered will be set out in guidance to be developed in discussion with the devolved nations. The guidance will assist museums in applying for an extension, which would be for a further three months initially, with a possibility of a further extension if considered necessary. The measure is strongly supported by the museums sector and by Arts Council England, the Government’s development agency for museums.

This is a short and simple Bill. Clause 1, which deals with the protection of cultural objects on loan, amends section 134 in part 6 of the Tribunals, Courts and Enforcement Act 2007. New subsection (4A) provides that the relevant authority has the power to extend the existing maximum period of protection for a further period of three months. New subsection (4B) clarifies that the Secretary of State will have the power to extend the period of protection where the object is in the UK for the purpose of public display in England. Whichever relevant authority uses its power, the protection of the Bill will continue to apply UK-wide. New subsection (4C) clarifies that the power can be exercised more than once in relation to the same object. New subsection (4D) clarifies that an extension granted is in addition to the

maximum protection period. Clause 2 sets out the territorial extent and commencement arrangements and provides the short title of the Bill.

I hope the Committee agrees that the Bill will provide our museums and galleries with a greater degree of certainty in planning international exhibitions, which are crucial and a major part of their income, and give the UK public the opportunity to enjoy cultural treasures from other countries. The Bill will also build the confidence of international lenders, who will understand that where difficulties arise, immunity from seizure can continue to be in place until the loans can be safely returned to them. I commend the Bill to the Committee.

**Alison McGovern** (Wirral South) (Lab): It is, as others have said, a pleasure to serve under your chairship, Mr Hosie. I commend the right hon. Member for Central Devon for bringing the Bill forward. It is limited in scope and effect. It extends existing powers, and we had a good discussion on Second Reading about the principles that sit behind it. As such, at this point, we have nothing further to add.

**The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Nigel Huddleston):** It is a pleasure to serve under your chairmanship, Mr Hosie. I thank my right hon. Friend the Member for Central Devon for bringing forward this private Member’s Bill, which has strong Government support. I also thank the outstanding former Minister for Digital and Culture, my hon. Friend the Member for Gosport, for eloquently setting out that Government support on Second Reading and for being a much-valued Committee member.

My right hon. Friend the Member for Central Devon mentioned that the Bill passed Second Reading with supportive remarks from hon. Members on both sides of the House. That is testament to the positive impact that the Bill will have on museums right across the UK. Last month, my right hon. Friend the Chancellor of the Exchequer confirmed Government funding of £850 million for cultural and heritage infrastructure, which will help to safeguard national treasures and boost culture in local communities and on high streets. An additional £150 million investment was also announced for national museums and other Department for Culture, Media and Sport public bodies to help them recover from covid-19.

That funding recognises the important role that culture and heritage sectors play in our society. Our museums and galleries must be able to operate as effectively as possible in order to continue to carry out the enriching and educational work that they do for the public. The Bill seeks to make a practical, sensible change to existing legislation that will make the exhibition planning of our museums and galleries easier, and reinforce good relationships with international lenders and overseas partners. It is therefore a timely proposal that reflects the Government’s continued support for cultural sectors.

It has been emphasised that the risk of seizure of cultural objects while they are on loan in the UK is small, but the contribution immunity from seizure makes to the core activity of museums is evidently great. This weekend, the V&A will open its latest exhibition, “Fabergé in London: Romance to Revolution”, showcasing a host of fascinating artefacts, many of which are on loan

[Nigel Huddleston]

from Russian institutions. Without immunity from seizure, those loans would not have gone ahead, nor would National Museums Scotland have been able to borrow some of the objects featured in last year's exhibition, "Tyrannosaurs", and China's terracotta warriors would not have made it to National Museums Liverpool the year before that.

Museums are critical to the UK's £75-billion tourism industry and the 4 million jobs that the sector supports, and the ability to put on international blockbuster exhibitions is a huge selling point of many of them. Borrowing objects allows museums to stage exhibitions and displays that would not otherwise be possible, and enables them to further contextualise their own collections. These loans create opportunities for museums to attract new audiences, but also to re-engage their existing visitor base.

We must not forget that underpinning many of these successful exhibitions is an understanding with international partners that, subject to conditions being met, the objects will be fully protected from seizure during their stay in the UK. Opportunities for immunity from seizure protection to be extended, where justified, will alleviate potential unforeseen obstacles. The proposed opportunity for a three-month extension is more than a useful contingency for when things do not go to plan; it is a recognition that the partnerships our museums build with international institutions are very much worth maintaining. The extension of that protection will come as a welcome measure to the many foreign lenders who insist on immunity from seizure protections when they loan their precious objects. By reinforcing their confidence, the Bill will help to ensure that the UK continues to host some of the finest cultural objects from across the globe. I urge the Committee to support the Bill.

**Mel Stride:** I rise, finally, to express my gratitude to you, Mr Hosie, for your excellent chairmanship of the Committee; to my hon. Friend the Minister for his support and remarks; and to Opposition Members, particularly the hon. Member for Wirral South.

**Chris Bryant:** Before the right hon. Gentleman finishes, I wonder whether he might like to correct the record? The Laughing Cavalier is not actually laughing at all; he is simply smiling. That name is a 19th century invention. It would be better to go back to the original title.

**Mel Stride:** I thank the hon. Gentleman for a typical intervention. I can picture the Laughing Cavalier at the top of the stairs, I think, at the Wallace Collection—what a marvellous painting. The hon. Gentleman is right: the Laughing Cavalier is smiling, but perhaps he is none the less having the last laugh when it comes to his title.

I was in the middle of thanking the hon. Member for Wirral South very much indeed for her support. I also thank the former Minister, my hon. Friend the Member for Gosport, for the encouragement she gave me at an early stage. I thank our Clerk, Adam Mellows-Facer, for his superb clerking of the Bill and the help he has provided, as well as all the officials at DCMS who have been engaged on the Bill—their support was invaluable.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

*Clause 2 ordered to stand part of the Bill.*

*Bill to be reported, without amendment.*

9.40 am

*Committee rose.*