

Welsh Parliament

**Culture, Communications, Welsh Language, Sport, and  
International Relations Committee**

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# **Report on the Legislative Consent Memorandum for the Cultural Objects (Protection from Seizure) Bill**

March 2022



## 1. Introduction

1. The **Cultural Objects (Protection from Seizure) Bill** (“the Bill”) was introduced in the House of Commons on 16 June 2021 as a Private Members’ Bill sponsored by Mel Stride MP. On 10 December 2021, the Deputy Minister for Arts and Sport and Chief Whip laid a **Legislative Consent Motion** (“the LCM”) for the Bill before the Senedd.

2. On 14 December 2021, the Business Committee referred the LCM to the Culture, Communication, Welsh Language, Sport and International Relations Committee for consideration. The Business Committee set a **reporting deadline** of 10 March 2022. We considered the LCM at our meetings on 2 February and 2 March 2022.

3. The long title of the Bill states that it is a Bill to:

*“extend the protection from seizure or forfeiture given to cultural objects.”*

## 2. The Welsh Government’s Legislative Consent Memorandum

4. Paragraphs 3 to 7 of the LCM summarise the Bill and its policy objectives. Paragraphs 8 to 9 set out the provisions in the Bill for which consent is required.

5. Paragraphs 13 and 14 of the LCM sets out the reasons why the Welsh Government thinks it is appropriate for the Bill to contain devolved provision.

6. Paragraph 18 of the LCM sets out the Welsh Government’s conclusion. The Welsh Government recommends that the Senedd consents to the clauses contained in the Cultural Objects (Protection from Seizure) Bill, with the exception of subsection 4C(b) on which they are seeking an amendment.

## 3. Provisions which require consent

7. The LCM seeks the Senedd’s consent on the following provisions.

### **Clause 1: Protection of cultural objects on loan**

8. Clause 1 inserts new subsections (4A) to (4D) into section 134 of the 2007 Act.

- 9.** New subsection (4A) provides that the relevant authority has the power to extend the existing maximum period of protection for a further period of up to 3 months.
- 10.** New subsection (4B) defines what is meant by 'relevant authority' for the purposes of subsection (4A).
- 11.** New subsection (4C) clarifies that the power can be exercised more than once in relation to the same object, and, where it is exercisable by more than one relevant authority at a particular time in relation to the same object, is exercisable by them concurrently. This will, among other things, ensure that an extended period of protection can be provided for an object which is in the UK for the purpose of more than one exhibition in more than one country of the UK.
- 12.** New subsection (4D) clarifies that any extension granted under subsection (4A) is in addition to the 'maximum protection period', which comprises the initial 12-month period under subsection (4)(b) together with any additional period of protection arising under subsection (5) where the object has suffered damage, and any period of extension already granted under subsection (4A).

## **Clause 2: Extent, commencement and short title**

- 13.** Clause 2 sets out the territorial extent, commencement and short title of the Bill.

## **4. Reasons for making these provisions**

- 14.** Paragraphs 13 and 14 of the Welsh Government's Legislative Consent Memorandum sets out the reasons why the Welsh Government thinks it is appropriate for the Bill to contain devolved provision:

*"Ensuring that the provisions in the Bill apply to Wales will safeguard parity of cultural access to international loans for the public across all four nations of the UK. Without these provisions, it is likely that Welsh museums and galleries will be placed at a disadvantage in terms of preventing international lenders from lending objects for display in touring/temporary exhibitions in Wales.*

*It is reasonable to utilise this UK Bill to make these provisions to ensure consistency across the UK in relation to protection placed on an object, and to also ensure that protection can be placed on the object in all countries of the UK."*

## 5. Reasons for withholding consent

**15.** The new subsection (4C)(b) inserted into the 2007 Act by clause 2 of the Bill contains a concurrent power exercisable by the Welsh Ministers and Secretary of State. Where a particular object is connected to more than one territory, subsection (4C)(b) provides that the power to extend protection can be exercised concurrently to ensure that the object is protected across the UK.

**16.** Paragraph 11 of the Welsh Government's Legislative Consent Memorandum provides that:

*"As drafted, the concurrent power impacts upon the Senedd's powers to make future legislation in this area due to the fact that Minister of the Crown consent will be required to remove the Secretary of State's concurrent function. It would engage the restriction in paragraph 11(1)(a) of Schedule 7B to the Government of Wales Act 2006, which requires the Senedd to obtain a Minister of the Crown's consent to legislate to remove or modify, in a Senedd Act a function of a Minister of the Crown that relates to qualified devolved function."*

**17.** The Welsh Government have requested an amendment to the Bill which would enable a carve out from the restriction in paragraph 11(1)(a) of Schedule 7B to the Government of Wales Act 2006.

**18.** Paragraph 19 of the LCM the Welsh Government confirms that it is reserving the decision on recommending consent to the provision pending the outcome of discussions with UK Government.

## 6. Committee consideration and conclusion

**19.** The Committee agree with the Welsh Government's recommendation that it is appropriate for the Senedd to grant consent for the UK Government to legislate on the devolved matters included in the Bill, aside from subsection (4C)(b). The Committee recommend that a decision on subsection (4C)(b) should be reserved pending the outcome of discussions with UK Government.