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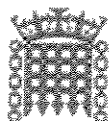
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General Committee Debates*Holocaust (Stolen Art) Restitution Bill*

Holocaust (Stolen Art) Restitution Bill

The Committee consisted of the following Members:

Chairman: Frank Cook

Bercow, John (*Buckingham*) (Con)

† Buck, Ms Karen (*Regent's Park and Kensington, North*) (Lab)

Creagh, Mary (*Wakefield*) (Lab)

† Dismore, Mr. Andrew (*Hendon*) (Lab)

† Ellman, Mrs. Louise (*Liverpool, Riverside*) (Lab/Co-op)

† Follett, Barbara (*Parliamentary Under-Secretary of State for Culture, Media and Sport*)

Foster, Mr. Don (*Bath*) (LD)
 † Hamilton, Mr. Fabian (*Leeds, North-East*) (Lab)
 McDonagh, Siobhain (*Mitcham and Morden*) (Lab)
 † Mann, John (*Bassetlaw*) (Lab)
 † Ôpik, Lembit (*Montgomeryshire*) (LD)
 † Pritchard, Mark (*The Wrekin*) (Con)
 † Scott, Mr. Lee (*Ilford, North*) (Con)
 Sharma, Mr. Virendra (*Ealing, Southall*) (Lab)
 † Vaizey, Mr. Edward (*Wantage*) (Con)
 † Whittingdale, Mr. John (*Maldon and East Chelmsford*) (Con)
 Chris Shaw, *Committee Clerk*
 † attended the Committee
 Column number: 3

Public Bill Committee

Wednesday 10 June 2009

[Mr. Frank Cook *in the Chair*]

Holocaust (Stolen Art) Restitution Bill

9.30 am

The Chairman: Before we begin, I have a few comments. Members may remove their outer garment and should ensure that mobile phones and pagers are rigged for silent running or switched off. I also remind Members that adequate notice should be given of amendments. I do not intend to call starred amendments.

Clause 1

Powers of de-accession

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

The Chairman: With this it will be convenient to discuss the following: new clause 1—*Power to return victims' property—*

‘(1) A body to which this Act applies may transfer an object from its collections if the following conditions are met.

(2) Condition 1 is that the Advisory Panel has recommended the transfer.

(3) Condition 2 is that the Secretary of State has approved the Advisory Panel’s recommendation.

(4) The Secretary of State may approve a recommendation for the transfer of an object from the collections of a Scottish body only with the consent of the Scottish Ministers.

(5) “Scottish body” means—

The Board of Trustees for the National Galleries of Scotland,

The Trustees of the National Library of Scotland,

The Board of Trustees of the National Museums of Scotland.

(6) The power conferred by subsection (1) does not affect any trust or condition subject to which any object is held.

(7) The power conferred by subsection (1) is an additional power.’.

This provides that a body listed in clause 2 may transfer objects from its collections where two conditions are satisfied. First, the transfer must be recommended by the Advisory Panel. Secondly, the Secretary of State must approve the recommendation (with the consent of the Scottish Ministers in some cases).

New clause 2—“Advisory Panel”—

‘(1) For the purposes of this Act “Advisory Panel” means a panel for the time being designated by the Secretary of State for those purposes.

(2) The Secretary of State may designate a panel for the purposes of this Act only if the panel’s functions consist of the consideration of claims which—

(a) are made in respect of objects, and

(b) relate to events occurring during the Nazi era.

(3) “Nazi era” means the period—

(a) beginning with 1 January 1933, and

(b) ending with 31 December 1945.’.

This defines “Advisory Panel” for the purposes of the Act. The panel is to be designated by the Secretary of State. The Secretary of State may only designate a panel whose functions consist of considering claims relating to events occurring during the Nazi era (1933 -1945).

Column number: 4

Mr. Andrew Dismore (Hendon) (Lab): Thank you, Mr. Cook. I welcome you to the Chair of this Committee, which I hope will not detain us long. The Bill has found favour throughout the House and we have been able to proceed with a friendly consensus on this important issue.

It will be apparent to Committee members that the amendments and new clauses constitute a major redrafting of the Bill, but the policy and sense of it remain unchanged. The amendments are parliamentary counsel’s redrafting of my original text.

Parliamentary counsel’s text is in plain English and may be more precise than my own—though perhaps not as elegantly drafted. Legislation needs to be precise in order to work. On Second Reading it was asked whether the Bill had any tax implications. There are not many tax implications, but the Treasury is looking at whether the tax rules need to be changed. If so, that will be done through the Finance Bill or tax rules changes rather than amendments to this Bill, which would be inappropriate.

New clauses 1 and 2 replace clause 1, and I invite the Committee, when the time comes, to vote against clause stand part and to vote for new clauses 1 and 2. New clause 1 provides for the power to transfer, as opposed to the original language of “de-accession”, so jargon is being replaced by plain English, but the substance of the power remains the same. It also makes provision for Scotland, as the Scottish Executive now wish Scotland to be included. There are also other, consequential amendments to that effect.

New clause 2 makes provision for the advisory panel and spells out in more detail the provisions in clause 1(2). Again, the substance is the same. I urge the Committee to vote against clause stand part, and for new clauses 1 and 2.

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Barbara Follett): The Government support the insertion of new clauses 1 and 2. New clause 1 sets out the two conditions that need to be met to trigger the power for the trustees of one of the named institutions to transfer an object from its collections. Those are, first, that the advisory panel recommends the transfer and, secondly, that the Secretary of State approves that recommendation.

To avoid any doubt, I clarify that museum trustees will continue to take decisions on whether or not to return an object. That is in keeping with the arm’s-length principle that recognises that trustees are responsible for the items in their care. It is not for the Government to tell them what to do with them. The current arrangement for the consideration of claims and the decision-making process, including the approval of the panel’s reports by the Secretary of State, works well. The two conditions that must be met to trigger the trustees’ power to return an object reflect the existing arrangements for handling the reports of the Spoliation Advisory Panel. It is right to include the requirement that the Secretary of State approve the panel’s recommendation because it reflects current practice and provides a safeguard in the unlikely event of an irrational recommendation by the panel. It is not, however, the Government’s intention to tell museum trustees what to do. This clause is about giving trustees the power to decide to

return an object if the two conditions are met, in the same way that regional and local museums are able to support the return of an object in such circumstances.

Column number: 5

The Government also support new clause 2, which defines an advisory panel for the purposes of this Act. The panel is to be designated by the Secretary of State, and he may only designate a panel whose functions consist of considering claims relating to events occurring during the Nazi era; in other words, between 1933 and 1945. That reflects the terms of reference of the Spoliation Advisory Panel because, as I have explained, the purpose of the Bill is straightforward: to give trustees of the named institutions a power to return an object where the trustees decide to do so, in response to a recommendation by the designated panel which has been approved by the Secretary of State. As my hon. Friend the Member for Hendon said, tax issues can, if necessary, be dealt with separately by the Treasury.

Mr. Edward Vaizey (Wantage) (Con): It is a pleasure to serve under your chairmanship this morning, Mr. Cook.

Conservative Members accept that the new clauses are necessary as technical amendments. I only wish to put two points to the Minister, or, perhaps, to the Member promoting the Bill, to whom I offer my hearty congratulations. First, I note that there is no definition of a cultural object in the new clauses, whereas there is in the clauses so elegantly drafted by the hon. Member for Hendon. I wonder whether he or the Minister will comment on whether that is a significant change. Secondly, I note that there is nothing in the new clauses that defines how the advisory panel is to be made up. Will the Minister comment on what progress has been made in defining the terms of reference for any new advisory panel, or whether they will simply be transferred from the existing Spoliation Advisory Committee?

Lembit Öpik (Montgomeryshire) (LD): I am sorry I am late, Mr. Cook—Mr. Crow was doing all he could to prevent me from arriving this morning.

My only question on these issues is one of definition, and the hon. Member for Wantage has raised the same issue. I seek the Minister's guidance on whether the latitude given by the absence of a specific definition is detrimental to the efficacy of the Bill. The one circumstance in which I can see that being a problem is if there were a legal case, or proceedings in court, where individuals who were unwilling to give up artefacts claimed they were not covered by the Bill because there was no definition to say that they were. It would be useful for the record, and thus for courts in future, if some determination could be given about that point in these proceedings.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): As I said on Second Reading, I welcome the Bill. Indeed, the Select Committee that I chair has in the past pressed the Government to introduce such a Bill. I do, however, want to explore, and perhaps press the hon. Member for Hendon about, the practical consequences of the Bill. The panel has met only nine times and, as far as I am aware, there are not a great many objects currently sitting in our national institutions which are under dispute. Does he have any idea when, or if, the measures in his Bill will actually be used? Is it not the case that the only item whose return is still under some dispute—the Benevento missal—would not actually be covered by the Bill?

Column number: 6

Barbara Follett: To respond to the query by the hon. Member for Wantage about cultural objects, we did not feel it necessary to give a definition of a cultural object because, in referring to an object, the Bill is using the definition in the legislation that already governs museums. That, I hope, will also deal with the point made by the hon. Member for Montgomeryshire.

On the advisory panel—*[Interruption.]* Hon. Members must forgive me; I have no Parliamentary Private Secretary today. I think that Mr. Crow has delayed her, too. The panel to be designated will be the Spoliation Advisory Panel. We feel that that is the best way of going ahead because it has experience in this area even though, as the hon.

Member for Maldon and East Chelmsford said, it has met only nine times.

Mr. Dismore: I cannot envisage the circumstances in which a legal case is likely to arise. The whole purpose of the Bill is to operate consensually, and ultimately the power rests with the trustees. If they do not want to return an object, they do not have to, so I do not think that that is a problem.

I turn now to the practical consequences. I discussed the Benevento missal with the British Library this morning. It wanted the Bill to make specific provision for that object, but that would have made the Bill hybrid so we could not do that. Nobody really knows the circumstances in which the Benevento missal went missing, but it would have been during the period in question, so I suppose that it would be possible for the Spoliation Advisory Panel to make a new recommendation. That would mean that we had a recommendation that was not retrospective—obviously, the Bill will not have retrospective application. The particular problem is that the British Library wanted specific provision which we could not make without making the Bill hybrid.

It is not Mr. Crow who has kidnapped my hon. Friend's PPS, but the Chief Whip, as she has been promoted to the Whips Office.

Question put and negatived.

Clause 1 accordingly disagreed to.

Clause 2

Applicability

Mr. Dismore: I beg to move amendment 3, in clause 2, page 2, line 2, at end insert—
'The Board of Trustees for the National Galleries of Scotland,'.

This amendment adds the Board of Trustees for the National Galleries of Scotland to the list of bodies to which the Bill applies.

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Holocaust (Stolen Art) Restitution Bill

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The Chairman: With this it will be convenient to discuss the following: amendment 4, in clause 2, page 2, line 3, after 'The' insert 'Board of'.

This amends the reference to the Trustees of the National Gallery to refer to the Board of Trustees of the National Gallery. This is the full name given by the Museums and Galleries Act 1992.

Amendment 5, in clause 2, page 2, line 3, at end insert—

'The Trustees of the National Library of Scotland,'.

This amendment adds the Trustees of the National Library of Scotland to the list of bodies to which the Bill applies.

Column number: 7

Amendment 6, in clause 2, page 2, line 4, at end insert—

'The Board of Trustees of the National Museums and Galleries on Merseyside,

The Board of Trustees of the National Museums of Scotland,'.

This amendment adds the Board of Trustees of the National Museums and Galleries on Merseyside and the Board of Trustees of the National Museums of Scotland to the list of bodies to which the Bill applies.

Amendment 7, in clause 2, page 2, line 5, at end insert—

'The Trustees of the Natural History Museum,

The Board of Trustees of the Royal Botanic Gardens, Kew,'.

This amendment adds the Trustees of the Natural History Museum and the Board of Trustees of the Royal Botanic Gardens, Kew to the list of bodies to which the Bill applies.

Mr. Dismore: The purpose of these amendments is to get the list of institutions empowered to transfer complete and accurately named. When we were drafting the Bill it was difficult because some institutions have a board, some trustees and some a board of trustees. We had to make sure that we got the right terminology and that the list was complete. We have added the Scottish museums, libraries and galleries, Merseyside, the Natural History Museum and Kew Gardens. I cannot envisage Kew having any plants that it would need to return, but it has its own library and art collection, so it is a belt-and-braces job. I cannot honestly see Kew Gardens being in the position of having to return an object, but one never knows. Basically, this is a tidying-up exercise to make sure that we have the list complete and to cater for Scotland.

Lembit Öpik: This is an entirely technical modification and I am sure that I speak for the entire Opposition in supporting these amendments.
9.45 am

Barbara Follett: The Government support these amendments. They add the various institutions to the list of bodies to which the Bill applies. Those include the board of trustees for the National Galleries of Scotland, the trustees of the National Library of Scotland, and the board of trustees of the National Museums of Scotland. As I mentioned on Second Reading, we were in touch with the Scottish Executive about whether they wanted to be included in the Bill. They have since confirmed that they wish to have their national museums included because, as with English national museums, there are statutory restrictions in place that could prevent de-accessioning.

Amendment 4 changes the reference to the trustees of the National Gallery to refer to the board of trustees of the National Gallery because that is the full name given to them by the Museums and Galleries Act 1992. The position of the National Museums and Galleries on Merseyside in terms of their ability to de-accession items from their collection was unclear at the time of Second Reading, but we are now satisfied that they need to be included and they are added by amendment 6.

Column number: 8

Amendment 7 adds the trustees of the Natural History Museum and the board of trustees of the Royal Botanic Gardens, Kew. I should say

that Kew has a magnificent collection of botanic art, and this is an area in which we could have de-accessioning requests. We have therefore added Kew to the list of bodies to which the Bill applies.

Inclusion on the list follows discussions with officials of the organisations and confirmation that the power is necessary.

Amendment 3 agreed to.

Amendments made: 4, in clause 2, page 2, line 3, after 'The' insert 'Board of'.

This amends the reference to the Trustees of the National Gallery to refer to the Board of Trustees of the National Gallery. This is the full name given by the Museums and Galleries Act 1992.

Amendment 5, in clause 2, page 2, line 3, at end insert—

'The Trustees of the National Library of Scotland,'.

This amendment adds the Trustees of the National Library of Scotland to the list of bodies to which the Bill applies.

Amendment 6, in clause 2, page 2, line 4, at end insert—

'The Board of Trustees of the National Museums and Galleries on Merseyside,

The Board of Trustees of the National Museums of Scotland,'.

This amendment adds the Board of Trustees of the National Museums and Galleries on Merseyside and the Board of Trustees of the National Museums of Scotland to the list of bodies to which the Bill applies.

Amendment 7, in clause 2, page 2, line 5, at end insert—

'The Trustees of the Natural History Museum,

The Board of Trustees of the Royal Botanic Gardens, Kew,'.—(Mr.

Dismore.)

This amendment adds the Trustees of the Natural History Museum and the Board of Trustees of the Royal Botanic Gardens, Kew to the list of bodies to which the Bill applies.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3

Short title and commencement

Mr. Dismore: I beg to move amendment 8, in clause 3, page 2, line 11, leave out '(Stolen Art) Restitution' and insert '(Return of Cultural Objects)'.

This amends the short title.

The Chairman: With this it will be convenient to discuss amendment 1, in title, leave out lines 1 to 5 and insert

'Confer power to return certain cultural objects on grounds relating to events occurring during the Nazi era'.

This amendment substitutes a new long title to the Bill.

Mr. Dismore: The amendments will change the long and short titles of the Bill more accurately to reflect its contents and purpose. As the Bill has developed it has become apparent that it has less to do with looted art and more to do with the power to return art. When we talk about stolen art, that is a very narrow reflection of what was a much wider problem during the period concerned. "Spoliation" is the word used by the panel.

Column number: 9

Whatever the wording, it has to have a much broader meaning than being stolen or looted. Objects for sale but under-valued, for example, would be included by the new long title, and indeed the short title. The purpose, therefore, is to provide for the return and transfer of items but to limit that provision to the Nazi era.

Amendment 9 provides for the devolved administrations, and amendment 10 relates to the commencement provisions. I am pleased that we have been able to maintain the original sunset clause, which the Government have accepted after some rather difficult but fruitful negotiations.

The Chairman: Order. Eagerness is too apparent here. The hon. Gentleman has moved on a little further than he should have done.

John Mann (Bassetlaw) (Lab): I wholeheartedly support the amendments and congratulate the promoter of the Bill on his perseverance, attention to detail and ingenuity in getting the Bill to this stage. It is an unusual day for Parliament: we have a Minister who is totally on top of her brief and knows what she is talking about; we have an Opposition providing intelligent comment in support of the Bill; we have brevity from the Liberal Democrats; and we have no Whips present. In a modern democracy this is how legislation should increasingly originate and proceed. I trust that the Minister can guarantee that there will no attempt by the Government Whips to ensure insufficient time for the Bill to progress to statute.

Amendment 8 agreed to.

Mr. Dismore: I beg to move amendment 9, in clause 3, page 2, line 11, at end insert—

‘(1A) This Act extends to—

- (a) England and Wales, and
- (b) Scotland.’.

This adds a new subsection which provides that the Bill extends to England and Wales and Scotland.

The Chairman: With this it will be convenient to discuss amendment 10, in clause 3, page 2, line 12, leave out subsection (2) and insert—

‘(2) The preceding sections of this Act come into force on such day as the Secretary of State may by order appoint.

(3) An order may make different provision for different purposes.

(4) Before appointing a day for the coming into force of the preceding sections of this Act so far as they relate to Scottish bodies the Secretary of State must consult the Scottish Ministers.

(5) “Scottish body” has the meaning given by section [Power to return victims’ property](5).

(6) This Act expires at the end of the period of 10 years beginning with the day on which it is passed.’.

This replaces the current commencement provision and sunset clause with new subsections. The new subsections provide for commencement by order. They also provide for the Bill to expire 10 years after it is passed.

Mr. Dismore: I apologise for my earlier eagerness. Referring back to

those remarks, which I shall not repeat, amendment 9 provides for the devolved administrations and amendment 10 modifies the commencement provisions but retains the original sunset clause.

Column number: 10

Lembit Öpik: I agree with the inclusion of Wales in amendment 9—an appalling omission in the original wording.

We should include sunset clauses in most legislation as a matter of course. It is good to see a precedent being set with the Bill. I hope that Ministers and business managers will note the benefit for the Government of having such a clause in legislation.

Mark Pritchard (The Wrekin) (Con): I congratulate the hon. Member for Hendon on introducing the Bill. Will a second legislative process be needed, given that the devolved powers and Assemblies have been mentioned, and Wales, for example, has its own culture Minister? I hope that that will not cause a problem.

Mr. Dismore: A sunset clause is important in the particular circumstances of the Bill. We need to give sufficient time to ensure that any outstanding claims can be dealt with, but we also want to be able to give long-term certainty to the institutions concerned. A 10-year period achieves the best of both worlds.

As to a second process in Wales, we had contact with the Welsh Government or Assembly—I am not sure of the correct terminology. [Hon. Members: “Assembly.”] I understand that it felt that it already had the powers to deal with the matter and did not need to be included in the Bill.

Mr. Whittingdale: On that point, none of the bodies on the list is in Wales. What is the benefit of extending the Bill to Wales?

Mr. Dismore: The claimant may be from Wales.

Barbara Follett: The Government support amendments 9 and 10. Amendment 9, which is welcomed by the hon. Member for Montgomeryshire, adds a new subsection (1A) extending the Bill to England, Wales and Scotland. To comfort the hon. Member for The Wrekin, we have consulted with the devolved Administrations and they are happy with that.

The Bill will become part of the law of England and Wales. The Scottish Executive have asked to be included, and a legislative consent motion is being prepared for introduction in the Scottish Parliament. The Northern Ireland Assembly Government have confirmed that the power is not needed for national museums in Northern Ireland.

Amendment 10 replaces the remainder of clause 3 with a new commencement provision. The new subsections provide for commencement by order; the Secretary of State must consult Scottish Ministers before an order is made that would apply to Scottish institutions.

The 10-year sunset period in clause 3 remains the same but will become subsection (6). I have indicated previously that the Government think this is an appropriate period, after which all outstanding claims should reasonably have been considered. That will allow something like 74 years from the end of the second world war

and 19 years for claims to be considered by the Spoliation Advisory Panel and for trustees, where necessary, to make a decision on the transfer of an object.

Column number: 11

It is worth noting that the Dutch restitution committee, which was modelled on the Spoliation Advisory Panel, has already stopped accepting new claims, despite the fact that the scale of the problem in that country is far greater than in the UK. In the Netherlands, many hundreds of works of art have been returned to claimants over the years, compared with just nine claims to the Spoliation Advisory Panel since 2000.

Let us not forget how much effort has been put in over the years by museums and galleries in the UK to identify art that may have been looted, to publicise it on websites and to consider what could be done about it. However, I note that my hon. Friend the Member for Hendon said, on Second Reading, that there are certainly a further 20 looted items in UK museums. I have invited him to give us details of those. On Second Reading, the hon. Members for Faversham and Mid-Kent (Hugh Robertson) and for Rochdale (Paul Rowen) proposed an alternative mechanism for terminating the Act: a rolling period linked to the date of inclusion of an object on a published statutory list. The Government's view is that the proposal, though well intentioned, is not workable in the circumstances because it would involve additional costs for museums in publishing information and would be difficult to administer. Unless museums were under a duty to publish, it would not work, and if we were to impose such a duty, we would need an enforcement mechanism for non-compliance. That would remove some of the simplicity and straightforwardness of the Bill.

To conclude, I, too, congratulate my hon. Friend the Member for Hendon on all the work and commitment that he has put into the Bill. It is a real advance and it is thanks to him that we have it today.

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Holocaust (Stolen Art) Restitution Bill

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Mr. Dismore: I thank the Minister for all the work that she and her officials have done to help with the Bill, and I thank the Committee for attending on a difficult day because of the tube strike.

I correct my hon. Friend on a small point that she made. I understand that in the Netherlands the time for submitting a claim has been extended indefinitely.

Lembit Öpik *rose—*

The Chairman: Order. There are a couple of points that we need to correct. First, we are not at the end yet, so we are somewhat premature. This has been a delightfully informal series of exchanges, which is novel to me in something like 20 years' experience in the

Chair—a new-found liberty. However, we must return to business as it ought to be conducted and deal with the question before the Committee.

Amendment 9 agreed to.

Amendment made: 10, in clause 3, page 2, line 12, leave out subsection (2) and insert—

‘(2) The preceding sections of this Act come into force on such day as the Secretary of State may by order appoint.

(3) An order may make different provision for different purposes.

(4) Before appointing a day for the coming into force of the preceding sections of this Act so far as they relate to Scottish bodies the Secretary of State must consult the Scottish Ministers.

Column number: 12

(5) “Scottish body” has the meaning given by section [Power to return victims’ property](5).

(6) This Act expires at the end of the period of 10 years beginning with the day on which it is passed.’.—(Mr. Dismore.)

This replaces the current commencement provision and sunset clause with new subsections. The new subsections provide for commencement by order. They also provide for the Bill to expire 10 years after it is passed.

Clause 3, as amended, ordered to stand part of the Bill.

New Clause 1

Power to return victims’ property

‘(1) A body to which this Act applies may transfer an object from its collections if the following conditions are met.

(2) Condition 1 is that the Advisory Panel has recommended the transfer.

(3) Condition 2 is that the Secretary of State has approved the Advisory Panel’s recommendation.

(4) The Secretary of State may approve a recommendation for the transfer of an object from the collections of a Scottish body only with the consent of the Scottish Ministers.

(5) “Scottish body” means—

The Board of Trustees for the National Galleries of Scotland,

The Trustees of the National Library of Scotland,

The Board of Trustees of the National Museums of Scotland.

(6) The power conferred by subsection (1) does not affect any trust or condition subject to which any object is held.

(7) The power conferred by subsection (1) is an additional power.’.—(Mr. Dismore.)

This provides that a body listed in clause 2 may transfer objects from its collections where two conditions are satisfied. First, the transfer must be recommended by the Advisory Panel. Secondly, the Secretary of State must approve the recommendation (with the consent of the Scottish Ministers in some cases).

Brought up, read the First and Second time, and added to the Bill.

New Clause 2

"Advisory Panel"

'(1) For the purposes of this Act "Advisory Panel" means a panel for the time being designated by the Secretary of State for those purposes.

(2) The Secretary of State may designate a panel for the purposes of this Act only if the panel's functions consist of the consideration of claims which—

(a) are made in respect of objects, and

(b) relate to events occurring during the Nazi era.

(3) "Nazi era" means the period—

(a) beginning with 1 January 1933, and

(b) ending with 31 December 1945.'—(Mr. Dismore.)

This defines "Advisory Panel" for the purposes of the Act. The panel is to be designated by the Secretary of State. The Secretary of State may only designate a panel whose functions consist of considering claims relating to events occurring during the Nazi era (1933 — 1945).

Brought up, read the First and Second time, and added to the Bill.

Column number: 13

Title

Amendment made: 1, in title, leave out lines 1 to 5 and insert

'Confer power to return certain cultural objects on grounds relating to events occurring during the Nazi era'.—(Mr. Dismore.)

This amendment substitutes a new long title to the Bill.

Question proposed, That the Chairman do report the Bill, as amended, to the House.

Mr. Vaizey: Thank you, Mr. Cook.

The Chairman: Order. I must remind right hon. and hon. Members that it is customary throughout the parliamentary system that when a Member seeks to make a statement, they undergo a process called "catching the Speaker's eye". The only way to do that is to stand in one's place and make it plain that a statement is forthcoming. Mr. Vaizey, stand up, please. It is no good making the request and then sitting on your butt.

10.00 am

Mr. Vaizey: I thought that I was getting up. After that intervention, I shall try, as one of our great actresses said, to gather my thoughts. This is a small but important Bill which Conservative Members welcome. It has not, despite the broad consensus in this Committee, had the easiest of passages. In fact, this is an opportunity for me to pay tribute to the work of Anne Webber and all those who have campaigned for such a Bill. Although the Bill's objectives are something that every right-thinking individual would welcome, there was also, potentially, an important principle at stake, which was the inviolability of our national collections. It was therefore extremely important, and somewhat time-consuming, to engage with those looking after our national collections, the directors of our national museums, to ensure that they were comfortable that this was not somehow the thin end of

the wedge. I know that the hon. Member for Hendon may be pushing some more wedges into our national collections with another private Member's Bill not unrelated to friezes from the east of Europe. Nevertheless, it is very welcome that we have arrived at this point today.

I know that national museums have worked very closely with the Government, the hon. Gentleman, Anne Webber and others to ensure that this Bill will be passed. The Bill is very clear in its aims. It gives all those who feel that they have a justified claim to an object looted by the Nazis which is in a national collection the opportunity to make that claim. It provides a very sensible mechanism in which an advisory committee can make a recommendation, the Secretary of State can approve it and the trustees may have the final decision before that object is released, thereby keeping in place the principle that the trustees are the guardian of the collection.

I also welcome the fact that there is a sunset clause. As other hon. Members have pointed out, sunset clauses are, in principle, a very good thing to include in any legislation. Conservative Members wholeheartedly welcome the Bill.

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Lembit Öpik: The hon. Member for Wantage says that this is a small but important Bill. I would say that it is a simple but important Bill, because, for those whom it assists, it is of tremendous importance in righting a wrong that dates right back to Nazism and the second world war. Nazism nearly destroyed Europe, and it was thanks to the courage of the British people and our unassailable ally, the USA, that Hitler was ultimately defeated. Nevertheless, the Bill illustrates the reach of Nazism and the damage that was done by that appalling creed. There are many families, including my own, who were permanently affected by the consequences of the second world war. It is a matter of honour for me to serve on this Committee and to see a collective consensus across parties which is far more important than any partisan dispute.

I am involved with the Holocaust Education Trust because I think that we must never forget what happens if good men sit and do nothing when evil is perpetrated. This restitution draws a line in the sand which indicates that Britain, and, indeed, no right-thinking country, will ever again allow that kind of injustice to be perpetrated, either in the name of democracy or of humanity. I pay tribute to the hon. Member for Hendon, who has made a powerful statement in simple terms, which I am sure we all agree with, that Nazism, injustice and inhumanity must never be allowed to triumph.

Mr. Lee Scott (Ilford, North) (Con): May I say, for anyone who was unable to get here this morning, that I apologise for my constituent, Mr. Crow, not allowing people to get here? I will be passing that message on to him when I see him next.

I would like briefly to pay tribute to the hon. Member for Hendon. Many of my own constituents, along with people from all over the country, owe him a debt of gratitude for this Bill, and I thank him for

introducing it.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I, too, pay tribute to my hon. Friend the Member for Hendon for his work and perseverance, and I would also like to thank everybody else who has been involved in bringing the Bill to this point today.

The wrongs and the horror of the Nazi era can never be put right, but there are areas where restitution can be made in an attempt to keep memories alive and bring some kind of justice for the descendants of those who perished in such a terrible way. This is one such area. It is very important that the matter has been approached in a careful and balanced way, with safeguards written into the process. The fact that we have got to this point is due to the work of so many people in looking at the detail and operation of the measure, as well as the principle. I would like to record my appreciation to everybody who has been involved and give particular thanks to my hon. Friend for his dedication, initiative and perseverance.

Barbara Follett: I reiterate my tribute to my hon. Friend the Member for Hendon and thank all members of the Committee. As you said, Mr. Cook, it has been more informal than usual. Perhaps that is because the matter is more consensual than usual; perhaps it is also because there are no Whips present. I am very glad that we have cross-party consensus on this issue.

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I would like to pay tribute to my right hon. Friend the Member for Barking (Margaret Hodge). It was under her aegis, when she was holding the job that I now hold, that we began work on this Bill. I particularly thank all those outside Parliament who have worked so hard to make sure that this happens. They have put right a very old wrong, one that needed to be corrected. Finally, I thank you, Mr. Cook, for your patience with us all today.

Mr. Dismore: I thank all hon. Members for their kind remarks about the Bill and repeat my thanks to my hon. Friend the Minister and, indeed, her predecessors. Several of them, including my right hon. Friend the Member for Barking, have taken an interest in this issue. I also thank my hon. Friend's officials, who have been patient with me throughout my e-mail bombardment of them, which I hope did not cause too much offence.

I thank Anne Webber, who has given me a lot of assistance with the Bill, and also Jon Benjamin. We should also mention Lord Janner, who has run an indomitable campaign on this issue. He first got me interested in the subject shortly after I was elected in

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1997. At that time the campaign was to get the Spoliation Advisory Panel set up. That took a couple of years, and we thought that that was the end of the problem. As time went by, it became clear that it was not. I sincerely hope that the Bill will now end the problem and that art can be returned to its rightful owners. In the end, it is for them to decide what happens to that art; whether they want to leave it where it is, take compensation or have it back. That should be their

choice because they are the owners of something that was stolen from them and their families so many decades ago under the tyranny of the Nazis.

I also thank you, Mr. Cook, for your patience and wonderful chairmanship today. The fact that we have been able to get through the proceedings in 39 minutes is a tribute to that and to the Committee as a whole.

The Chairman: I am afraid that my patience is now exhausted.

Question put and agreed to.

Bill as amended, accordingly to be reported.

10.9 am

Committee rose.

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