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26 Jun 2009 : Column 1043

House of Commons

Friday 26 June 2009

The House met at half-past Nine o'clock

PRAYERS

The First Deputy Chairman of Ways and Means took the Chair as Deputy Speaker (Standing Order No. 3).

Mr. Andrew Dismore (Hendon) (Lab): I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163).

The House divided: Ayes 1, Noes 28.

Division No. 166]

[9.34 am

AYES

Robathan, Mr. Andrew

Tellers for the Ayes:

Mr. Andrew Dismore and
Willie Rennie
NOES

Beith, rh Sir Alan
Brazier, Mr. Julian
Chope, Mr. Christopher
Clark, Paul
Eagle, Maria
Follett, Barbara
Francois, Mr. Mark
Gardiner, Barry
Hanson, rh Mr. David
Heath, Mr. David
Hope, Phil
Howarth, Mr. Gerald
Irranca-Davies, Huw
Jackson, Mr. Stewart
Johnson, Ms Diana R.
Keeley, Barbara
Kidney, Mr. David
Knight, rh Jim
Lait, Mrs. Jacqui
Lewis, Dr. Julian
Neill, Robert
Pearson, Ian
Penrose, John
Rammell, Bill
Seabeck, Alison
Spellar, rh Mr. John
Vaizey, Mr. Edward
Whittingdale, Mr. John
Tellers for the Noes:

Steve McCabe and
Kerry McCarthy

The Deputy Speaker declared that the Question was not decided because fewer than 40 Members had participated in the Division (Standing Order No. 41).

Point of Order

9.46 am

Mr. Christopher Chope (Christchurch) (Con): On a point of order, Madam Deputy Speaker. On Wednesday, Mr. Speaker said that

"when Ministers have key policy statements to make, the House must be the first to hear them".—[*Official Report*, 24 June 2009; Vol. 494, c. 797.]

Today, in clear breach of that ruling, the Secretary of State for Children, Schools and Families has announced, through *The Guardian* and the BBC, that the Government have abandoned their literacy and numeracy strategy. The Secretary of State is

either illiterate or contemptuous of Mr. Speaker's ruling, or both. What power do you have, Madam Deputy Speaker, to require the Secretary of State to attend the House today to apologise?

Madam Deputy Speaker (Sylvia Heal): I will bring to Mr. Speaker's attention the hon. Gentleman's remarks, which will of course now be on the record.

Holocaust (Return of Cultural Objects) Bill

(*changed from Holocaust (Stolen Art) restitution Bill*)

Consideration of Bill, as amended in the Public Bill Committee

Third Reading

9.47 pm

Mr. Andrew Dismore (Hendon) (Lab): I beg to move, That the Bill be now read the Third time.

I am grateful for the support that the Bill has received from both sides of the House. At the outset, I would like to thank the Under-Secretary of State for Culture, Media and Sport, my hon. Friend the Member for Stevenage (Barbara Follett), her predecessor and her officials—especially Hillary Bauer—for their help in bringing the Bill to this stage. I also pay tribute to those who have campaigned for it, especially Anne Webber of the Commission for Looted Art in Europe, Jon Benjamin of the Board of Deputies and my noble Friend Lord Janner, who has been a stalwart on the whole issue of holocaust restitution and who has agreed to take up the Bill in the other place if it receives a Third Reading today.

The Bill has changed its appearance somewhat since its Second Reading, through amendments made in Committee, but its effect and the policy behind it remain the same. It is now supplemented by explanatory notes and an impact assessment produced by my hon. Friend the Minister's officials. Its new title—the Holocaust (Return of Cultural Objects) Bill—better describes its purpose, which is straightforward: it is to meet our moral, if not legal, obligation to provide a mechanism for the return to their rightful owners of cultural objects held in national collections that were looted during the Nazi period.

I have taken a particular interest in this issue since first being elected to the House in 1997. On 17 February 2000, in response to a parliamentary question from me, the then Arts Minister—now my noble Friend Lord Howarth—announced the setting up of the Spoliation Advisory Panel under the chairmanship of Sir David Hirst. He said that the panel would consider and advise on claims from anyone who had lost possession of a cultural object during the Nazi era, when such an object was now in the possession of a UK national collection or gallery. Since then, the panel has adjudicated on a number of claims. It does so in detail, and shows fairness to both sides. Its most recent report, published only on Wednesday this week, concerned eight drawings in the Courtauld collection. It did not uphold that particular claim, although it dealt with the case extremely sympathetically.

The system provides an alternative to expensive and long-drawn-out legal proceedings, but it does not preclude that remedy if someone wishes to use it. The panel makes recommendations, including for compensation or for restitution, to the Secretary of State. So far, so good. The problem is that the law does not allow restitution for works held in some collections, as there is no power to de-acquire—the current term—items. In other museums, the situation is different, leading to unjust, unfair and sometimes downright ludicrous outcomes where one of a pair of objects held in different collections can be restituted while the other cannot. The Bill seeks to remedy that problem.

The best estimate is that there are about 20 looted items in UK museums, but there could be more. The process of research by families is ongoing, and it can take quite a while to locate an item and document a claim, but not every rightful owner may want restitution. Some might, but others might settle for an ex gratia compensation payment or might simply want a public acknowledgement of rightful ownership by the gallery or museum concerned. It should be possible for the rightful owners to have the object back, once the matter has been decided to the satisfaction of Spoliation Advisory Panel, on its recommendation to the Minister; and that should not be prevented by the unintended consequences of the current law.

My Bill will provide a process, with appropriate safeguards, to achieve that outcome. It aims to work by agreement and by consensus. If there were a huge dispute, it would not work and the item would not be returned. The process is straightforward. The item claimed is referred to the panel; if the panel finds the object to be spoliated, it makes a recommendation for restitution to the Secretary of State if it thinks that is the proper remedy. If the Secretary of State accepts the recommendation that restitution is appropriate, he or she can trigger a power, not a duty, of de-accession to the museum concerned, which can then transfer the object to its rightful owner.

The Bill contains a series of safeguards. It does not override any special conditions or trust under which an object may be held. That would require complex legislation, and I baulked at even attempting that, as it would not be appropriate for a private Member's Bill. It is limited to a finite and definitive list of institutions that are set out in clause 1. It also has a 10-year sunset clause to provide, on the one hand, sufficient time to facilitate claims and identify objects, and, on the other, some long-term certainty for the public collections concerned. The Bill will apply to Scotland, at the request of the Scottish Executive; it is not required for Northern Ireland, which does not have this problem.

Above all, the Bill is strictly limited as to time, place and perpetrator with respect to the original deprivation of the object from

its lawful owner. The object must have been taken during the Nazi era, as part of that appalling regime. It is not a Trojan horse for any other art works or cultural items. It is a discrete modest measure, limited in scope and time to rectify decades of injustice. I commend the Bill to the House.

9.53 am

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): I congratulate once again the hon. Member for Hendon (Mr. Dismore) on introducing the Bill and on having a good chance of getting it on to the statute book. It is a great achievement to get a private Member's Bill passed into law. He has been extraordinarily successful in managing to get a large number of other such Bills, some of which I suspect have rather less chance of being passed, on to the Order Paper. I think he had to get up early in the morning to get this opportunity; it was time well spent.

The best way of getting a private Member's Bill passed is to pick up a subject that the Government are committed to advancing, but have failed to do. The Government can then breathe a sigh of relief and use the vehicle provided by the private Member's Bill. That is exactly what the hon. Gentleman's Bill does. This country has long been committed to amending the law to allow the restitution of artefacts and artistic objects that were plainly looted. It has been an embarrassment that we have not done so.

My Select Committee considered this issue a couple of years ago and called on the Government to make the necessary change. We were just one of a long list of bodies to have done so. I thoroughly support the Bill and I am delighted that it is likely to succeed.

One has to accept that the Bill is largely symbolic. We amended provisions in Committee to cover Wales, although there are no national institutions in Wales that would benefit from the Bill. It is nevertheless plainly right that we should extend it across the country. Equally, the one object—the Beneventan missal—where there is clear evidence that it should be returned will not be covered by the Bill, unless another application is made, because it has already been considered. It may well be that the Bill's provisions are never used. The Spoliation Advisory Panel has met very few times and the Bill may well pass on to the statute book and lie there. In my view, however, that does matter. It is the fact that we have made the change that matters.

Many terrible atrocities were committed during the holocaust, and the looting of art is very minor in comparison with some of the horrific events that took place. The difference is that this issue is one that we can do something about and put right. By doing so, we send out a very important signal this morning. On that basis, I congratulate the hon. Gentleman on his Bill.

9.56 am

Sir Alan Beith (Berwick-upon-Tweed) (LD): I very much agree with the comments of the Chairman of the Culture, Media and Sport Committee. The Bill is indeed largely symbolic, but it is a very important symbol at a time when we have to challenge people who absurdly and for evil reasons of their own seek to deny that the holocaust ever happened. In that light, it is an important symbol that one manifestation of the holocaust—the looting of art treasures—is dealt with in a piece of legislation.

As the hon. Member for Maldon and East Chelmsford (Mr. Whittingdale) has just said, this Bill may be used, if at all, in very few cases—and even in those, as the hon. Member for Hendon (Mr. Dismore) suggested, some owners might be happy to see their rightful ownership acknowledged alongside the object in the museum or gallery in which it is housed. That in itself amounts to recognition of the circumstances of the holocaust and the Nazi looting of art property.

The symbol is important and I very much welcome the effort that has gone into the Bill, which has made it something that we can put on to the statute book with confidence. In doing so, I believe we take another small step towards asserting that it is our will and that of humanity that these things should not happen again.

9.57 pm

Simon Hughes (North Southwark and Bermondsey) (LD): From the Liberal Front Bench and on behalf of all my colleagues, including my hon. Friend the Member for Bath (Mr. Foster) who usually speaks on cultural matters, I congratulate the hon. Member for Hendon (Mr. Dismore) on his Bill. It deals with an issue that I have followed for some years.

I believe that this is a model of a private Member's Bill. The title is now clearer and the Bill is extremely clear. There is no room for doubt about who the Bill applies to, what it applies to, which countries it applies to or the period to which it applies. The process that has to be gone through is also clear.

One of the institutions mentioned in the Bill—the Imperial War museum—is based in my constituency. It is a wonderful and prize-winning museum. The other institutions will also benefit from knowing that, as a result of the Bill, they can fulfil their cultural obligations to their users as well as their moral and historical obligations when they apply. The Nazi period, defined in the Bill as from the mid-1930s to 1945, left many scars on Europe—scars on individuals and families on our continent. One scar was that property was looted and never returned. The Bill provides the opportunity to correct that. The House is united on this Bill—a very good discrete piece of work that will put right something that has been sadly neglected for too long in spite of the many efforts to put it right in the past.

9.59 pm

Mr. Edward Vaizey (Wantage) (Con): It falls to me to put on record from the Opposition Front Bench our congratulations to the hon. Member for Hendon (Mr. Dismore) on introducing this private Member's Bill. I also congratulate those he mentioned in his opening remarks, particularly Anne Webber, who has campaigned so assiduously for this measure, and David Lewis who worked with her and has been instrumental in keeping the Bill and the campaign at the front of my mind. The campaign has been long running. The spoliation committee was set up in 2000 and I think that my mother is a member of it, making the issue close to my heart. She is also a former trustee of the Imperial War museum, which she thinks is one of the finest museums in the country.

It is clear that every Member who has taken an interest in this issue supports the Bill as being long overdue. It may well be the case that the Bill is nothing more than symbolic, but it is no less important for that as it puts on to the statute book a clear commitment from our national museums to return any object that has been found to have been looted during the Nazi period.

I welcome the Bill and assure the House that it has Conservative support. I hope it will proceed to the other place this morning with the minimum of fuss.

10 am

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Barbara Follett): The Government have been pleased to support this Bill, which, gladly, has enjoyed a quick and smooth passage through the House. This is due in no small part to the expert handling of it by my hon. Friend the Member for Hendon (Mr. Dismore), and to what he has rightly described as a friendly consensus between the parties. Like him, I welcome that.

The Bill is a short and carefully balanced measure that will rectify an anomaly in the way that national museums are able to deal with claims for the return of items lost during the Nazi era. Most importantly, it does not override the fundamental principle, supported by successive Governments, that the trustees of museums and galleries are the rightful guardians of our national collections and that they should be responsible for taking decisions about items in their care. The final decision on whether to transfer an item from a museum's collection will continue to be taken by museum trustees where the two conditions that trigger the power to de-accession are met: that the Spoliation Advisory Panel has recommended the return of the item and that Ministers have agreed. Museum trustees should not have an unfettered power of disposal, however. The Government remain absolutely committed to protecting our national collections and will resist all attempts to see them broken up. The power to de-accession human remains that was given to museums in 2005, and the measures we are discussing here in the Bill, recognise that these are very special cases that warrant particular attention. Members have thus rightly stated that it is important that the matter is approached in a balanced way, and I think we have managed to achieve that. We have worked closely with my hon. Friend to get the Bill to this stage and, as part of that work, we have considered its compatibility with the Human Rights Act 1998. Gladly, we are satisfied that it is fully compatible.

Although this is a small and simple measure, we should not underestimate its importance. Throughout the second world war, the lives of millions of people were affected by the systematic campaign by the Nazis to wipe out whole peoples and their cultures. Part of that campaign was the looting of cultural treasures from both public and private collections, with many families being forced to give up prized possessions and heirlooms with little or no compensation. A tremendous effort to recover this looted art was made in the immediate aftermath of the second world war through the dedicated work of the "Monuments Men", a tiny band of 350 art historians, museum curators and professors. In May 1945, they began the work of finding, securing and returning the millions of pieces of art, sculpture, books, jewellery, furniture, tapestries and other cultural treasures looted, lost or displaced in the years of upheaval.

In 2000, the United Kingdom set up the Spoliation Advisory Panel. This has gone on to become a widely recognised and respected source of advice around the world. I should pause here to correct a statement I made in Committee. My hon. Friend was indeed right in saying that the Dutch restitution committee, which was modelled on the UK panel, is still accepting claims. While on the subject of international relations, I would also like to mention that the UK is represented at the conference on holocaust era assets, which is currently taking place in the Czech Republic. I am very glad that Lord Janner, who has done so much to bring this issue to the fore, is part of the UK delegation. The conference will be looking at a number of issues concerning the fate of holocaust survivors and of Jewish property confiscated during the war, and it will be seeking to increase international efforts in this area.

In Committee, my hon. Friend said that he had discussed the case of the Beneventan missal with the British Library and the effect of the Bill on earlier cases considered by the Spoliation Advisory Panel where return was recommended but was not possible because of statutory restrictions on disposal. Let me clarify that the power in the Bill will not be retrospective. If, after the Bill comes into force, a further claim is made for an item that the panel has already considered, it will be up to trustees of the institution concerned to decide whether once again to refer the claim to the panel. The panel would then decide whether to look at the claim again. If, after considering the new claim, the panel recommended the return of the item, the trustees would have the power to return the object. Where an ex-gratia payment had been made to the claimant on the first referral, this would need to be returned.

Let us review what the Bill will achieve. It will give the trustees of the bodies named in the Bill an additional power to transfer objects from their collection where the transfer is recommended by the designated panel and where that recommendation is approved by the Secretary of State, and Scottish Ministers in the case of an item in the Scottish national collections. As I said in Committee, the intention is to designate the Spoliation Advisory Panel.

The Act will expire 10 years after the day on which it is passed. Questions were raised on Second Reading about the tax implications of the Bill. The Treasury is looking into this and will consider whether any tax rules need changing as a result of these measures. I am pleased to be able to announce that the Scottish Parliament yesterday passed the legislative consent motion in order that the Bill might apply to Scotland.

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A number of amendments to the Bill were also made in Committee and it may be helpful if I summarise the main changes. The bodies to which the Bill applies are now found in clause 1. The power to return victims' property is set out in a new clause 2. This might be an appropriate moment to provide further clarification on the point raised by the hon. Member for Wantage (Mr. Vaizey) about whether the term "cultural object" needs to be defined in the Bill. Although the Bill as introduced included such a definition, it has been substantially amended, with the able assistance of parliamentary counsel, and I can now say that the Bill as amended does not need to define a "cultural object". The Bill gives trustees a power to return any object which is in the collection for which the trustees are responsible where the two conditions are met, and we believe this is sufficient.

The new clause 3 defines the advisory panel for the purposes of the Act. The panel is to be designated by the Secretary of State and he may designate only a panel whose functions consist of considering claims relating to events occurring during the Nazi era of 1933 to 1945. Clause 4 deals with the short title, extent, commencement and sunset clause. Provision was also made for the Bill to extend to England and Wales and Scotland, although the power is not needed for museums in Wales. The short and long title of the Bill have been amended. The original reference to "stolen art" was too restrictive and does not reflect the many ways in which people were deprived of their property. The Spoliation Advisory Panel's terms of reference do not define the circumstances of loss and do not therefore limit its consideration to items that were stolen. The new long title better describes the Bill's purpose, which is to give the trustees of named bodies an additional power to transfer cultural objects in their collections.

This concludes the consideration of amendments made in Committee, and I should like to end by thanking my predecessor, my right hon. Friend the Member for Barking (Margaret Hodge), for the work she did on the Bill, by thanking the officials who have worked very hard with my hon. Friend the Member for Hendon, and by once again congratulating him. This is a real achievement, and the Bill is in excellent shape going forward. I hope that it receives wide support in the other place.

10.10 am

Mr. Dismore: I am grateful to everybody for their comments this morning. This is an important measure. It might not be used—on the other hand, we cannot say that for sure: there may be other such cases. As I said earlier, up to 20 such items are in dispute. However, what is important is that we be seen to do justice to the victims of the holocaust and their families, and this Bill will do that. It closes, I hope, a chapter that we opened with the setting up of the Spoliation Advisory Panel nine years ago. I hope that now, we have finally produced the mechanism that will allow people to have back the objects taken from their families by that evil regime, the Nazis, between 1933 and 1945, and that the Bill will now receive its Third Reading.

Question put and agreed to.

Bill accordingly read the Third time and passed.

26 Jun 2009 : Column 1051**Driving Instruction (Suspension and Exemption Powers) Bill**

Consideration of Bill, as amended in the Public Bill Committee.

Third Reading.

10.11 am

Willie Rennie (Dunfermline and West Fife) (LD): I beg to move, That the Bill be now read the Third time.

I am grateful for the opportunity to give this Bill its Third Reading. For a child eager to prove their maturity, the driving licence is often a symbol of adulthood. I am not quite sure what my driving licence says about me—whether its ink-splatters and holes indicate maturity, or a now slightly tattered politician—but the learner's first lesson is filled with excitement and anticipation, and as the seat belt clicks into place and "kangaroo" petrol is put in the tank, there is a great sense of pride and excitement. For parents, there is only a feeling of dread at the number of hours they will spend on country lanes, never quite being sure whether this will be their last lesson—ever in this world.

I recall driving round the country roads of Fife on a dark, wet and windy night with my mother constantly reaching for a brake pedal on the passenger's side and never quite finding it. There is still a hole in the carpet on that side of the car. However, the thrill when I passed my driving test was unimaginable. I suddenly felt like a man, even though I was still a teenager. That is an important point, because many of those who pass their test are still children, and we entrust those who teach them with a duty of care and responsibility. I want to know that when my son reaches for the car keys, the person who will teach him to drive has been through the system, has been properly tested and audited and has the right qualifications.

That is why the case of Lesley Anne Steele, which had the potential to crush confidence in the whole driving instruction authorisation process, was horrifying. In 2005, Lesley Anne, a constituent of mine, was enthusiastically learning to drive. She was progressing well and gaining confidence with every lesson. She was looking forward to passing her test and enjoying the freedom that that brings. After one particular lesson, her instructor, James McNair Bennett, asked whether he could use the convenience in her house. Being obliging, Lesley Anne agreed, but Mr. Bennett had something else in mind. He sexually assaulted her in her own home. He was charged by police, and apparently admitted the offence immediately.

This is what Lesley Anne later told me in a letter:

"On the day of the trial Mr. Bennett was found guilty of assaulting me and with immediate effect was placed on the sex offenders' register. I was relieved that this was finally over and thought that Mr. Bennett wouldn't be allowed to continue to teach. The following day I received a call from a friend who had just seen Mr. Bennett out teaching. Then my partner spotted Mr. Bennett on the Monday, picking up a pupil close to our house",

just round the corner. Not surprisingly, Lesley Anne was angry—furious, in fact. She was disgusted not only by the original assault, but by the fact that Mr. Bennett was allowed to continue to operate as a driving instructor. The fact that he was out teaching the very next day was rubbing her nose in it. She was raging with anger and rightly so.

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However, what made Lesley Anne explode was the response from the authorities. She made numerous calls to the Driving Standards Agency, which were never returned. On one occasion she did get through to the appropriate person, but was told that nothing could be done to help her. Because she was so furious, Lesley Anne subsequently waived her right to anonymity. She secured coverage in the national media to highlight her case, so that she could campaign for changes in order that others would not have to go through what she went through. At that point, she asked me for my help.

How could a sexual predator be allowed to continue to teach vulnerable young people in such a closed environment, when the judicial process had already determined he was a sex offender? I find it unbelievable that that situation was ever allowed to