

These notes refer to the Holocaust (Return of Cultural Objects) Act 2009 (c.16) which received Royal Assent on 12 November 2009

HOLOCAUST (RETURN OF CULTURAL OBJECTS) ACT 2009

EXPLANATORY NOTES

BACKGROUND

3. The Spoliation Advisory Panel was established by the Government in 2000 to consider claims for the return of cultural objects lost during the Nazi era (1933-1945) and to advise museums and claimants on what might be an appropriate solution. It does so in accordance with the Washington Principles, adopted in 1998 by 44 states, including all EU member states, to assist in resolving issues relating to the return of cultural objects lost during the Nazi era.
4. The national institutions specified in the Act are all publicly funded institutions established by statute. These institutions are governed by Boards of Trustees whose powers are set out in primary legislation. The legislation currently prohibits the Trustees from disposing of items in their collections, except in very limited circumstances, and does not permit the Trustees to transfer an object following a recommendation by the Spoliation Advisory Panel. These statutory prohibitions lead to inconsistency in the powers of institutions to return an object to a claimant, following a recommendation of the Spoliation Advisory Panel.
5. In general, where an item is in the collection of a University or local authority museum, the authorities responsible for the collections are not prohibited by primary legislation from returning the object to claimants. The National Museum of Wales, the National Library of Wales, the Ulster Museum, the Ulster Folk and Transport Museum, the Ulster American Folk Park and the Armagh County Museum are not subject to a similar, statutory bar on disposal. Where the national museums are prohibited by legislation from transferring an object, claimants are offered an ex gratia payment instead.
6. The purpose of this legislation is to remedy this inconsistency by giving the governing bodies of the listed national museums an additional power to return an object to a person who claims it, where this follows a recommendation by the Spoliation Advisory Panel and Ministers agree.