

HOLOCAUST (RETURN OF CULTURAL OBJECTS) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Section 1: Bodies to which this Act applies

10. *Section 1* lists the bodies to which the Act applies.

Section 2: Power to return victims' property

11. *Section 2* sets out the power to return an object given to the Trustees of bodies listed in *section 1* and the two conditions that must be met before the power can be exercised. The conditions are:
- firstly, that the return of the object to a person has been recommended by the Advisory Panel (*subsection (2)*); and
 - secondly, that the Secretary of State has approved the Panel's recommendation (*subsection (3)*).
12. The consent of Scottish Ministers must be given before the Secretary of State can approve the recommendation if it concerns an object in the collection of a Scottish body, that is the Board of Trustees for the National Galleries of Scotland; the Trustees of the National Library of Scotland or the Board of Trustees of the National Museums of Scotland.
13. The power to return an object to a victim does not override any trust or condition subject to which an object is held.

Section 3: "Advisory Panel"

14. *Section 3* explains that the term "Advisory Panel" means a Panel designated by the Secretary of State. The Government intends to designate the Spoliation Advisory Panel. *Subsection (2)* provides that a Panel may be designated only if its functions are limited to the consideration of claims to objects and relating to events occurring in the Nazi era; defined as the period from 1 January 1933 to 31 December 1945.

Section 4: Short title, extent, commencement and sunset

15. *Section 4* deals with extent, commencement and duration. The Act extends to England and Wales and Scotland. However, no institution to which the provisions of the Act apply is located in Wales. *Subsections (2) to (4)* provide for the Act to be brought into force by a commencement order made by the Secretary of State. The Secretary of State must consult Scottish Ministers before making an order in respect of a Scottish body. *Subsection (7)* specifies that the Act will expire 10 years after the day on which it is passed.