



# Cultural Property (Armed Conflicts) Act 2017

## 2017 CHAPTER 6

### PART 5

#### PROPERTY REMOVED FOR SAFEKEEPING

#### **28 Immunity from seizure or forfeiture**

- (1) While a thing is protected under this section it may not be seized or forfeited under any legislation or rule of law.
- (2) Protection under this section does not affect any other civil or criminal liability that a person may incur in relation to the thing.
- (3) Cultural property that is being transported from outside the United Kingdom to a place within the United Kingdom is protected under this section if it enjoys the protection provided for in Article 12 of the Convention.
- (4) Cultural property that is in transit through the United Kingdom is protected under this section if it enjoys the protection provided for in Article 12 of the Convention.
- (5) Cultural property for which the United Kingdom is depositary is protected under this section if it is under the control of the Secretary of State or a person to whom the Secretary of State has entrusted its safekeeping.
- (6) The United Kingdom is depositary for cultural property in the circumstances provided for by Article 18 of the Regulations for the execution of the Convention.
- (7) A vehicle is protected under this section if it is transporting cultural property to which subsection (3) or (4) applies.
- (8) The reference in subsection (1) to seizure or forfeiture of a thing includes a reference to—
  - (a) taking control of the thing under Schedule 12 to the Tribunals, Courts and Enforcement Act 2007;

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*Status: This is the original version (as it was originally enacted).*

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- (b) execution or distress (in England and Wales or Northern Ireland);
- (c) diligence or sequestration (in Scotland);
- (d) seizure, confiscation or forfeiture, or any other measure relating to the custody or control of the thing, in the course of a criminal investigation or criminal proceedings;
- (e) the making or enforcement of an order relating to the custody or control of the thing in civil proceedings.

(9) In this section—

“legislation” means primary or secondary legislation;

“primary legislation” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) a Measure or Act of the National Assembly for Wales, or
- (d) Northern Ireland legislation;

“secondary legislation” means an instrument made under primary legislation;

“vehicle” means any form of transport.