Status: *This is the original version (as it was originally made). UK Statutory Instruments are not carried in their revised form on this site.*

DISCLAIMER: As Member States provide national legislations, hyperlinks and explanatory notes (if any), UNESCO does not guarantee their accuracy, nor their up-dating on this web site, and is not liable for any incorrect information. COPYRIGHT: All rights reserved.This information may be used only for research, educational, legal and non-commercial purposes, with acknowledgement of UNESCO Cultural Heritage Laws Database as the source (© UNESCO).

STATUTORY INSTRUMENTS

2008 No. 1159

CULTURAL OBJECTS

The Protection of Cultural Objects on Loan (Publication and Provision of Information) Regulations 2008

Made - - - -	*21st April 2008*
Laid before Parliament	*23rd April 2008*
Coming into force - -	*20th May 2008*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 134(2)(e) and (9) of the Tribunals, Courts and Enforcement Act 2007(**1**) and section 26 of the Welsh Language Act 1993(**2**):

The Regulations are made with the consent of the Scottish Ministers, the Welsh Ministers and the Department for Culture, Art and Leisure in Northern Ireland.

Citation and commencement

1. These Regulations may be cited as the Protection of Cultural Objects on Loan (Publication and Provision of Information) Regulations 2008 and come into force on 20th May 2008.

Interpretation

2. In these Regulations—

(a) "the Act" means the Tribunals, Courts and Enforcement Act 2007;

(b) expressions used in Part 6 of the Act have the same meaning as in that Part;

(c) in relation to an object—

"the borrowing institution" means a museum or gallery approved under section 136 of the Act at which the object is, or is to be displayed in a temporary exhibition in the United Kingdom(**3**);

"the exhibition" means the temporary exhibition in which the object is, or is to be so displayed;

"the lender" means the owner of the object and any other person with proprietary or personal rights over the object such that their permission is required to make the object available for the exhibition;

"the relevant information" means the information described in regulation 3.

(**1**) 2007 c. 15.
(**2**) 1993 c. 38.
(**3**) See section 137(5) of the Act for the definition of "temporary exhibition".

UNESCO Cultural Heritage Laws Database (Copyright and Disclaimer apply)

DISCLAIMER: As Member States provide national legislations, hyperlinks and explanatory notes (if any), UNESCO does not guarantee their accuracy, nor their up-dating on this web site, and is not liable for any incorrect information. COPYRIGHT: All rights reserved.This information may be used only for research, educational, legal and non-commercial purposes, with acknowledgement of UNESCO Cultural Heritage Laws Database as the source (© UNESCO).

The relevant information

3. The relevant information in relation to an object is the following—

(a) the name and address of—

(i) the lender (or if there is more than one, of each lender); or

(ii) a person who is authorised to act on behalf of the lender (or if there is more than one lender, a person who is authorised to act on behalf of each lender) in relation to any claims which may be made in relation to the object;

(b) a description of the object sufficient to identify it, including—

(i) the type of object it is (for example a painting, sculpture, drawing, installation or historic artefact), and a description of the material from which, or on which it was created;

(ii) the identity and nationality of the artist, manufacturer or other creator of the object, where this is applicable and known;

(iii) the title (if any) by which the object is known;

(iv) the dimensions of the object;

(v) the date on which the object was created, or if this is not known the period in which it was created or is most likely to have been created;

(vi) except where an object consists of archaeological or palaeontological material, a photograph of the object if it was created or manufactured before 1946 and acquired by the owner (or a person from whom the owner inherited or acquired the object) after 1932;

(vii) a brief description of the appearance of the object, including any identifying marks or inscriptions found on it;

(viii) the actual or likely place at which the object was created or manufactured, or, where the object consists of archaeological or palaeontological material, the place where it was found, or likely to have been found;

(c) details of the provenance of the object including—

(i) subject to sub-paragraph (ii), the date on which, the place at which, and the person from whom it was acquired by its current owner (or if there is more than one current owner, the date on and place at which, and the person from whom, each owner's interest was acquired);

(ii) if the person from whom the object or interest was acquired is not known, the circumstances in which the object or interest was acquired, to the extent known;

(iii) a statement indicating whether or not the borrowing institution possesses a complete history of its ownership from the beginning of the year 1933 to the end of the year 1945;

(d) information about where the object may be seen by a member of the public including—

(i) each address within the United Kingdom where the object is or is to be displayed as part of the exhibition and the title of that exhibition; and

(ii) the period during which it is proposed that the object is to be on display at each such address.

Publication: prescribed requirements before an object enters the United Kingdom

4.—(1) It is a requirement prescribed under section 134(2)(e) of the Act that the relevant information about each object has been published in accordance with this regulation for the initial

DISCLAIMER: As Member States provide national legislations, hyperlinks and explanatory notes (if any), UNESCO does not guarantee their accuracy, nor their up-dating on this web site, and is not liable for any incorrect information. COPYRIGHT: All rights reserved.This information may be used only for research, educational, legal and non-commercial purposes, with acknowledgement of UNESCO Cultural Heritage Laws Database as the source (© UNESCO).

period by the borrowing institution or by another museum or gallery in connection with the same exhibition.

(2) In this regulation and in regulations 5 and 6, "the initial period" means a period of at least four consecutive weeks ending on the day before the day on which the object enters the United Kingdom.

(3) In calculating the initial period—

(a) any occasional and minor interruptions in the availability of the information resulting from technical or other problems outside the reasonable control of the borrowing institution may be included;

(b) it is immaterial whether part of the period occurs before the coming into force of these Regulations.

(4) The relevant information must be published by being made available on the borrowing institution's website for inspection free of charge by members of the public.

(5) If the borrowing institution is in Wales the information shall be published in Welsh and in English.

Provision of information after an object enters the United Kingdom

5.—(1) The borrowing institution shall provide members of the public with the relevant information by making it available on its website for inspection free of charge for the additional period.

(2) In this regulation and in regulations 6 and 7 "the additional period" means the period beginning on the day after the conclusion of the initial period and ending twelve consecutive weeks thereafter or on the day after the last day on which the exhibition is open to the public, whichever is the later.

(3) In calculating the additional period—

(a) any occasional and minor interruptions in the availability of the information resulting from technical or other problems outside the reasonable control of the borrowing institution may be included;

(b) it is immaterial whether part of the period occurs before the coming into force of these Regulations.

(4) The borrowing institution need not comply with paragraph (1) in respect of the whole or any part of the additional period during which the relevant information is available on the website of another museum or gallery by virtue of and in accordance with this regulation.

(5) If the borrowing institution is in Wales the information shall be provided in Welsh and in English.

Publication or provision of information: errors or omissions

6. If during the initial period or the additional period the borrowing institution determines that relevant information published or provided by it is materially incomplete or materially inaccurate, the institution must as soon as reasonably practicable amend the information as it considers appropriate.

Provision of information: potential claimants

7.—(1) Subject to paragraphs (3) and (6) a borrowing institution must provide the information described in paragraph (5) to a person ("the claimant") who believes that he or she has or may have a claim to possession of an object that is, or is to be included in an exhibition if that person makes a written request in accordance with paragraph (2).

(2) The claimant's written request is in accordance with this paragraph if it includes—

(a) the claimant's name and address;

UNESCO Cultural Heritage Laws Database (Copyright and Disclaimer apply)

DISCLAIMER: As Member States provide national legislations, hyperlinks and explanatory notes (if any), UNESCO does not guarantee their accuracy, nor their up-dating on this web site, and is not liable for any incorrect information. COPYRIGHT: All rights reserved.This information may be used only for research, educational, legal and non-commercial purposes, with acknowledgement of UNESCO Cultural Heritage Laws Database as the source (© UNESCO).

(b) where the claimant claims as the heir of another person, the name and last known address of that other person or, if the claimant is unable to supply the last known address, details sufficient to identify that other person;

(c) a short summary of their claim to the object;

(d) a statement confirming that the borrowing institution may inform the lender of the request and supply them with the information provided by the claimant in support of his or her request.

(3) The borrowing institution need not provide the information listed in paragraph (5) if it determines that claimant's request is unreasonable.

(4) The borrowing institution may determine that the claimant's request is unreasonable only if—

(a) the claimant's claim (including any appeals or reviews) has already been rejected by a court or other authority responsible for adjudicating on or making recommendations concerning such claims;

(b) all of the information described in paragraph (5) has already been disclosed to the claimant either by the institution or by another person or is available to members of the public free of charge from some other source; or

(c) the institution receives the request more than twelve weeks after the end of the additional period.

(5) The information is—

(a) the name of each lender if it is not available to the public in accordance with regulation 4 or 5;

(b) a link to the website at which the borrowing institution has published or provided the information in accordance with regulation 4 or 5;

(c) a written summary of the institution's enquiries into the provenance, ownership and history of the object;

(d) any other information held by the institution as a result of its enquiries into the provenance of the object that the institution may lawfully disclose to the claimant.

(6) A borrowing institution in Wales, if so requested by the claimant, must provide-

(a) the information mentioned in paragraph (5)(a) to (c); and

(b) where reasonably practicable, the information mentioned in paragraph (5)(d),

in Welsh.

(7) Except where the borrowing institution treats the claimant's request as unreasonable, the information must be supplied within 28 days of the date on which the institution received the request.

(8) Where the borrowing institution treats the claimant's request as unreasonable the institution must inform the claimant of this decision and the reason for the decision within 28 days of the date on which the institution received the request.

Margaret Hodge
Minister of State
Department for Culture, Media and Sport

21st April 2008

UNESCO Cultural Heritage Laws Database
© Copyright and Disclaimer Apply

DISCLAIMER: As Member States provide national legislations, hyperlinks and explanatory notes (if any), UNESCO does not guarantee their accuracy, nor their up-dating on this web site, and is not liable for any incorrect information. COPYRIGHT: All rights reserved.This information may be used only for research, educational, legal and non-commercial purposes, with acknowledgement of UNESCO Cultural Heritage Laws Database as the source (© UNESCO).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the information which must be published by a museum or gallery ("the borrowing institution") which borrows an object from abroad for a temporary public exhibition if that object is to be protected from seizure or forfeiture under Part 6 of the Tribunals, Courts and Enforcement Act 2007 (c. 15). If the borrowing institution is in Wales the information must be published in Welsh and English. The Regulations also set out the information the borrowing institution must provide to the public and to specific individuals in relation to protected objects.

Regulation 3 sets out the information about the object that the institution must publish before an object enters the United Kingdom.

Regulation 4 requires the information to be published at least four weeks before the objects enter the United Kingdom ("the initial period") by making it available free of charge on the borrowing institution's website.

Regulation 5 requires the borrowing institution to make the information available to the public for an additional period of at least twelve weeks or until the exhibition closes. The period begins on the day after the conclusion of the initial period as defined in regulation 4, and ends twelve consecutive weeks thereafter or on the last day the exhibition is open to the public whichever is the later.

Regulation 6 requires the borrowing institution to correct any material error or omission in the published information as soon as reasonably practicable after it determines that such an error or omission exists.

Regulation 7 requires the borrowing institution to supply information in response to a request by a person who has a potential claim to an object in the exhibition unless the request is unreasonable as defined in the regulation. An institution in Wales must provide certain parts of the information in question in Welsh, if so requested by the claimant.

UNESCO Cultural Heritage Laws Database (Copyright and Disclaimer apply)