

Report on the application of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

UNITED KINGDOM

I. Information on the implementation of the UNESCO Convention of 1970

1. Ratification of the Convention

The 1970 Convention has been ratified in 2002.

2. Implementation in the national legal system and in the organization of services

(a) The principal national regulations adopted in order to implement the 1970 Convention.

UK was of the opinion that acceptance of the Convention did not require any new legislative commitment. Details of existing UK law relating to the prevention of illicit trafficking in Cultural Goods:

- The Holocaust (Return of Cultural Objects) Act 2009.
- Part 6 of the Tribunals, Courts and Enforcement Act 2007.
- In October 2006, the British Museum and the Museums, Libraries & Archives Council announced a Memorandum of Understanding with eBay, whereby the British Museum would monitor eBay for items of potential Treasure, question vendors and notify the Metropolitan Police's Art & Antiques Unit of any unreported items.
- The Crime (International Co-operation) Act 2003 and the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005.
- Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material', guidelines, October 2005.
- In July 2005, the Museums Libraries and Archives Council commissioned an on-line advisory service with funding from the Department for Culture, Media and Sport. 'Cultural Property Advice' was launched in February 2007 and is a unique, practical source of information and guidance to help users collect, buy and sell art, antiques and antiquities legitimately. It has separate areas for the trade, private individuals and public collections.
- The Export of Objects of Cultural Interest (Control) Order 2003.
- The Dealing in Cultural Objects (Offences) Act 2003.
- The offence set out in the Act complements the UK's obligations under the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified in 2002. The Act was designed to fill a gap in previously enacted legislation (particularly the Theft Act 1968) which covered items that had been stolen (including those stolen abroad), but not cases where an item had been illegally excavated or removed in circumstances not amounting to theft.
- The Portable Antiquities Scheme (PAS) 1997.

- The Return of Cultural Objects Regulations 1994 implemented the UK's obligations under Council Directive 93/7/EEC of 15 March 1993 on the Return of cultural objects unlawfully removed from the territory of a Member State of the EU.
- HM Revenue and Customs (HMRC) and the UK Border Agency (UKBA) have procedures in place to investigate and pursue, whenever possible, cases where they identify goods in the normal course of their duties that are believed to be tainted. Profiles set on HMRC's entry processing system are designed to check the authenticity of cultural objects freely declared as originating in a specific country. UKBA will also undertake investigation of tainted items identified during the course of their risk-based, intelligence-led anti-smuggling activities at the frontier.
- Customs and Excise Management Act 1979

(b) Definition of "cultural property" used by the national laws

The Export Control Act 2002 defines objects of cultural interest as including both historical or scientific interests.

The Dealing in Cultural Property Act 2003 defines 'cultural object' as an object of historical or archaeological interest.

The UK interprets the term 'cultural property' as confined to those objects listed in the Annex to Council Regulation EC 116/2009 of 18 December 2008 on the export of cultural goods and in the Annex to Council Directive 1993/7/EEC of 15 March 1993, as amended, on the return of cultural objects unlawfully removed from the territory of a Member State.

(c) Specialized units

The Cultural property Unit (CPU) located at the Department for Culture, Media and Sport (DCMS) has overall responsibility for policy on prevention of illicit trafficking in cultural property. This Unit acts as the Central Authority for requests for assistance under Directive 93/7/EEC and liaises with colleagues at the UK Border Agency, HM Revenue and Customs, The Export Licensing Unit (ELU) at the Museums, Libraries and Archives Council (MLA), the Home Office Mutual Legal Assistance Unit, the Metropolitan Police Art and Antiques Unit, the Serious Organised Crime Agency (SOCA) and the Association of Chief Police Officers (ACPO) when necessary.

(d) Administrative coordination

The CPU acts as the UK representative on official EC Committees, Working Groups and OMC Groups relating to all aspects of Cultural Property. Staff in the CPU act as the Central Authority for the UK in respect of requests under Directive 93/7/EEC.

In addition, the CPU has established an Enforcement Agencies Steering Group in order to consult colleagues about issues relating to the prevention of illicit trafficking in cultural property when necessary.

(e) Working meetings

The Enforcement Agency Steering Group usually meets every 9-12 months and members include: the UK Border Agency, HM Revenue and Customs, The Export Licensing Unit (ELU) at the Museums, Libraries and Archives Council (MLA), the Home Office Mutual Legal Assistance Unit, the Metropolitan Police Art and Antiques Unit, the Serious Organised Crime Agency (SOCA) and the Association of Chief Police Officers (ACPO).

3. Inventories and identification

(a) Inventories

Guidance on the care of collections is given to museums, libraries and archives through [Collections Link](#), which is managed by [Collections Trust](#) in partnership with the Institute of Conservation and National

Preservation Office and funded through the Renaissance programme. Its aim is to offer fast, easy access to current best practice in professional collections management.

[SPECTRUM](#) is the industry standard for capturing this information and is mandated as part of the Museum Accreditation Scheme. It provides widely adopted practices for Collections Databases and Inventories, photographic documentation and labelling and marking. In as much as SPECTRUM is an international standard, used actively in over 5000 museums in Europe, it provides a common foundation of collections Documentation and practice which significantly facilitates the mobility and security of collections. SPECTRUM is also the technical basis of 12 of the 14 most widely-used Collections Management Systems in the world, embedding it into the practice of many thousands of cultural institutions worldwide. While SPECTRUM is the procedural activity required by Accreditation, which focuses on the 9 primary procedures, there is also explicit reference to the following within the required Acquisition & Disposal Policy:

- 8c UNESCO 1970 along with its UK ratification (1st November 2002) and the Dealing in Cultural Objects (Offences) Act 2003
- 8e – reference within the exceptions to 1970 cut off
- Spoliation – slightly different, but linked, and deal with by procedures from 1998 and 1999.

Accredited museums are also expected to comply with all legal, safety and planning regulations and laws.

More:

- [Accreditation information](#)
- [Model A&D Policy](#)

(b) Definition of “cultural property” and “national treasures”

As stated in 1.2(b) above:

- The Export Control Act 2002 defines objects of cultural interest as including both historical or scientific interests, and
- The Dealing in Cultural Property Act 2003 defines ‘cultural object’ as an object of historical or archaeological interest.

The UK interprets the term ‘cultural property’ as confined to those objects listed in the Annex to Council Regulation (116/2009 on the export of cultural goods and in the Annex to Council Directive 1993/7/EEC of 15 March 1993, as amended, on the return of cultural objects unlawfully removed from the territory of a Member State.

“National treasures” are not identified in an official list. “National treasure” is not defined in UK legislation. Museums, libraries and archives manage their own collections, including inventories of collections in accordance with best practice guidance. Museum, Libraries and Archives Council (MLA)’s Accreditation Scheme sets nationally agreed standards for museums in the UK. MLA’s Designation Scheme identifies the pre-eminent collections of national and international importance held in England’s non-national museums, libraries and archives, based on their quality and significance. The Scheme (launched in 1997) now recognises 131 collections held in museums, libraries and archives.

(c) Reference to the Object ID standard

The Object Standard ID is widely used in the sector and is promoted through ICOM with a list of participant organisations. This includes the Metropolitan Police Arts and Antiques Unit who record stolen items using this format.

(d) Systems to combat theft and to train staff

The national Security Adviser located within the Museums, Libraries and Archives Council has day to day involvement in preventing all crimes including the theft of items belonging to national institutions in the UK. The process includes a risk assessment and inspection of venue and any stores, including those of transport providers responsible for shipping such items.

The Government Indemnity Scheme requirements are used as a baseline for physical security and regular audit visits are made to national venues to ensure compliance. Those specifically include guarding and invigilation of collections and the method of securing exhibits, alarm and communication technology. In house training is supplied and supplemented upon request by the National Security Adviser.

4. Archaeological excavations

(a) Basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force

Regulation

Nearly 20000 of England's premier archaeological sites and landscapes are designated as Scheduled [Monuments](#) under the [Ancient Monuments and Archaeological Areas Act 1979](#).

It is a criminal offence to:

- destroy or damage a Scheduled Monument;
- execute or cause or permit to be executed works that would demolish, destroy, damage, remove, repair, alter or add to a Scheduled Monument, or to carry out any flooding or tipping operations on land in, on or under which there is such a monument, without the prior consent of the Secretary of State;
- fail to comply with any conditions which the Secretary of State places on such a consent; or
- use a metal detector, or remove any object of archaeological or historical interest which has been discovered by the use of a metal detector, in a place which is the site of a Scheduled Monument without prior consent from English Heritage.

In determining applications for consent (SMC) to excavate Scheduled Monuments the Secretary of State has regard to all relevant matters, including the following principles:

- Scheduled Monuments are designated in order to secure their legal protection in the national interest, and to secure their long term preservation in situ – as far as possible in the state in which they have come down to us.
- Consent for works that would result in the loss of the whole or a material part of a Scheduled Monument's significance will only be granted where there is clear justification that:
 - they are necessary to secure its long-term conservation; or
 - they are necessary in order to deliver substantial and demonstrable cultural, social, economic or environmental benefits that outweigh the negative impact on its significance (for example, by enabling research that increases knowledge and understanding of the past to an extent that is unlikely to be achieved through research elsewhere at a less sensitive site or through less destructive methods).
- The granting of SMC for works that would result in the material loss of a Scheduled Monument will be wholly exceptional.
- If a Scheduled Monument is unavoidably threatened with catastrophic loss (for example by natural erosion or permanent flooding) it should, where possible, be fully investigated and recorded before its destruction.

Where consent for works that will result in the loss of the whole or a material part of a Scheduled Monument's significance is granted, conditions will usually be applied to ensure that the works are undertaken in an appropriate manner, and that opportunities to advance knowledge and understanding of the monument's significance are fully exploited before it is lost. In relation to works involving archaeological excavations, common requirements include:

- that an appropriate level of archaeological recording is undertaken before, during and after any work, and that copies of such reports are deposited in the relevant Historic Environment Record (and, where appropriate, published and disseminated);
- that any archaeological excavation or other intrusive investigation should be:
 - based upon a detailed research design (drawing on relevant research frameworks);
 - resourced to permit completion of all outstanding requirements, including recording; and
 - implemented by appropriately skilled and experienced archaeologists with a satisfactory record of the completion and publication of projects;

- that the archive generated by any archaeological excavation or other intrusive investigation is offered to a local museum or other public depository.

Not all nationally / internationally important archaeological remains in England are designated as Scheduled Monuments:

- some are deemed to be sufficiently protected if they are already designated under another statutory regime (such as those designed to protect military remains or natural heritage assets);
- some are deemed capable of being adequately managed through the planning system or under agri-environment schemes;
- some have yet to be put to the Secretary of State by English Heritage for a designation decision; and
- some are currently incapable of being designated because they do not comply with the definition of a 'monument' used in the Ancient Monuments and Archaeological Areas Act 1979.

Monitoring

The condition of Scheduled Monuments in England is monitored regularly by English Heritage, including as part of its Heritage at Risk initiative. This is often undertaken in partnership with others or used to inform their work, including: national agencies; local authorities and National Park Authorities; non-governmental organisations; community and voluntary groups; and organisations and individuals responsible for managing land and property.

If a criminal offence relating to a Scheduled Monument is suspected to have taken place, the Secretary of State or English Heritage may choose to investigate with a view to intervention (including prosecution), or to refer the matter to the Police Service and the Crown Prosecution Service. Both the Secretary of State and English Heritage are supportive of local authorities, National Park Authorities and other enforcement agencies that decide to take the initiative in such cases.

(b) Illegal excavations

There is a problem of 'nighthawking' (the search and removal of antiquities from the ground using metal detectors without the permission of the landowners or on prohibited land such as scheduled monuments).

A [report](#) looking into this problem was commissioned by English Heritage and supported by Cadw, Historic Scotland, National Museum of Wales, The Portable Antiquities Scheme, Archaeology Guernsey, Jersey Heritage Trust, Manx National Heritage, The National Museums Scotland and Northern Ireland Environment Agency. The report makes a series of conclusions and recommendations on the issue of and it concludes a project conducted by Oxford Archaeology, *Nighthawks and Nighthawking: Damage to Archaeological Sites in the United Kingdom and Crown Dependencies caused by illegal searching and removal of antiquities*. (More information on the [survey and the recommendations](#)).

Nighthawking has been around at least since the 1970s, but only one limited survey has been carried out before the 2009 Nighthawking Survey, in 1995, by the Council for British Archaeology. In November 2006 Oxford Archaeology was commissioned by English Heritage to carry out a survey looking into the extent of illegal searching and removal of antiquities from archaeological sites. The Nighthawking Survey involved consultation with over 400 heritage-related agencies and interested individuals throughout the UK and Northern Ireland, and the Crown Dependencies of the Isle of Man, Jersey, and Guernsey. The Survey set out to get beyond the rumour and myth that surrounds the crime, and find out where it happens, how often it happens and how great a threat it actually is to our heritage. By painting a clearer picture of Nighthawking, we are better placed to propose ways to combat it.

Ongoing education and outreach initiatives, such as the [Portable Antiquities Scheme](#), are increasing public awareness of cultural heritage and the damaging effects of heritage crime. The introduction of the Treasure Act (1996), the [Code of Practice for Responsible Metal Detecting](#) in England and Wales (2006) and the efforts of organisations such as the National Council for Metal Detecting have also been cited as beneficial, if only in dissuading the less hardcore Nighthawks.

In addition, following the 2009 report the prevention and detection of illegal excavations, illegal removal of artefacts and illegal metal detecting (including in relation to Scheduled Monuments) is one of the priorities of a new heritage crime initiative led by English Heritage, the Association of Chief Police Officers, the Crown Prosecution Service and the Department of Culture, media and Sport.

Key initiatives to be taken forward include:

- Providing members of the Alliance to Reduce Crime against Heritage (ARCH is a voluntary national network of stakeholders that have a shared interest in preventing and seeking effective enforcement of heritage crime), local authorities and local communities with the knowledge of heritage assets, the threats to them, the laws that protect them and guidance relating to preventative measures and enforcement.
- Bringing enforcement activity to media attention to build public confidence in police and partnership efforts.
- Creating local Key Individual Networks so that activities can be better coordinated and can sustain themselves locally.
- Developing a central data recording system that supports accurate and consistent recording of incidents, crimes and prosecution cases.
- Creating an information exchange protocol between enforcement agencies and other relevant bodies.
- Increasing understanding of the range of interventions that can be used to tackle heritage crimes, from verbal warning and restorative justice actions to injunctions and formal prosecutions.
- Developing guidance to help people understand what courts and magistrates need to sentence heritage crimes appropriately and provide training on how to write impact statements.

5. Monitoring of the export and import of cultural property

(a) Estimate of the scale of the illicit export or import of cultural property (statistics)

It is impossible to estimate the scale of the illicit trade of cultural property either entering or leaving the country. Clearly there are many methods used by those involved in crimes of this nature to transport stolen cultural property. This transportation may go undetected by law enforcement agencies. In view of this there are no up to date statistics.

(b) Problem of the illicit export of cultural property

The financial gains made by criminals involved in the illicit trade in cultural property can be substantial, making crimes of this nature attractive to criminals. These crimes can cross many jurisdictions and can take place over a number of years, making it difficult to identify and prosecute offenders.

(c) Main rules for monitoring the export and import of cultural property

Export Control Act 2003
Export of Objects of Cultural Interest (Control) Order 2003 (as amended.)
Open General Export Licence (Objects of Cultural Interest) 2004
Open Individual Export Licence (Objects of Cultural Interest)
Council Regulation Council Regulation (EC) 116/2009
The Iraq (United Nations Sanctions) Order 2003

Guidance relating to the export of cultural goods

- [UK Export Licensing for Cultural Goods: Procedures and guidance for exporters of works of art and other cultural goods \(PDF 153KB\)](#)
Guidance on the procedures involved in applying for an export licence for cultural goods.
- [Guidance on the export of cultural goods not released into free circulation \(12th October 2010\)](#)
Guidance to Exporters of Archaeological Objects
- [Guidance to Exporters of Archaeological Objects \(Including Numismatic Items\)](#)
This guidance sets out the export licensing requirements for the export of archaeological objects (including numismatic items).
- [Guidance to Exporters of Archaeological material over 50 years of age found in UK soil](#)
Details of information that exporters of UK origin archaeological material might provide with their application to help expert advisers process them.
Notices for Exporters
- [Export Licensing Unit - Christmas closing dates 2010](#)
- [Notice setting out the new EU threshold values](#)

- Notice on the provision of provenance to supply when submitting an export licence application form (web version)
- ELA1 form (for inclusion with export licence applications). This form is mentioned in the above notice; summary sheet to accompany export licence applications (this sheet is not an export licence application form).
- Open General Export Licence (Objects of Cultural Interest) dated 1st May 2004 granted by the Secretary of State
- Cultural objects from Iraq is a notice detailing the UN embargo on the import/export of Iraqi cultural items
Notice and application form detailing how to apply for an individual EU Open Specific Export Licence for any musical instruments temporarily exported for a period of less than three months for use in the course of work by a professional musician.
- ELU Notice to Exporters of Musical Instruments
- ELU open licence form (musical instruments)
Notice and application form detailing how to apply for an individual EU Open Specific Export Licence for a motor vehicle to enable its temporary export outside the EU for a period of up to three months for use for pleasure purposes.
- ELU Notice to Exporters of Motor Vehicles
- ELU open licence form (motor vehicles)
Definition of when the presence of marginalia means that printed matter should be treated as a manuscript for the purposes of export
- Notice to Exporters of Manuscripts (19 July 2006)

(d) Rules provided for the restitution of illicitly imported cultural property

The following legislation allows for the return of cultural goods illicitly removed (i.e exported without a licence) from a Member State:

- The Return of Cultural Objects Regulations 1994
- Directive 93/7/EEC

Her Majesty's Revenue and Customs have the powers to return cultural property in circumstances where the rules relating to import declarations have been breached.

(e) Obstacles encountered in securing the restitution of illicitly exported cultural property

We have no records of the UK having sought restitution of illicitly exported cultural property.

(f) Circumstances in securing the restitution of a stolen cultural object

Not applicable.

6. System for trade-in, acquisition, ownership and transfer of cultural property

(a) Description of the cultural goods market in the country (financial volume of the market, number and turnover of auction houses including via the Internet).

The British art and antiques market generated £7.7 billion in sales and directly supported over 60,000 jobs in 2009. Most of the 10,000 art businesses in the UK are small or medium sized enterprises employing fewer than 20 people ([more information about the British Art Market](#)).

(b) Rules governing trade in cultural goods, measures in place for such trade (maintenance of a police register), in particular through the Internet (reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)

- Under the Dealing in Cultural Property (Offences) Act 2003 it is an offence for any person dishonestly to deal in a cultural object that is tainted, knowing or believing that the object is tainted. Dealing in Tainted Cultural Objects: [Guidance on the Dealing in Cultural Objects \(Offences\) Act 2003](#) provides basic guidance on the new offence.

- There is a [police database of cultural property stolen](#) within London.
- The UK have set up a website "[Cultural property Advice](#)" which includes sources of advice on the illicit trade in cultural goods.

(c) Existing Measures to control the acquisition of cultural property

Guidance for museums is set out in the document: [Combating Illicit Trade: Due diligence guidance for museums, libraries and archives on collecting and borrowing cultural material](#).

The majority of UK museums are governed by the Museum Accreditation Scheme, which specifies the application of the SPECTRUM standard in activities relating to Collections Development, Acquisition and Documentation. SPECTRUM is a freely-available open standard for Collections Management and Documentation, and it is currently being translated, localised and adopted in 8 EU Member States. The standard defines 21 procedures and their related Documentation including processes for the receipt of Loans In, Acquisition and Accessioning. Review of the legal implications and establishing provenance are key elements of the SPECTRUM Procedure for Acquisition. The standard also provides a common set of data fields which must be completed on Acquisition of an object, and which can subsequently be used to enhance public access to that object.

(d) Existing legal system concerning ownership of cultural property:

Applicability of the principle of inalienability applied to cultural items in national collections

Most public institutions are confined by statute regarding their ability to transfer/dispose of objects (would need to look at [specific legislation for national museum](#) in question. Most museums are barred from disposing of objects in their collection and this is why the Holocaust Act was introduced to enable objects looted in the Nazi era to be returned to claimants.

Status of yet unfound cultural objects, of cultural items found by chance and archaeological artefacts found during legal or illegal excavations

In the case of newly found/identified works they would be subject to the same rules on export etc as other cultural property subject to the monetary and age thresholds. In the case of an item that has left unrecognised and the attribution has then changed post export we do not recall.

[Treasure Act](#) 1996 Code of Practice (Revised) England and Wales provides the legal framework for objects of yet unfound treasure.

Archaeological finds are covered by the [Portable Antiquities Scheme](#) which is a voluntary scheme to record archaeological objects found by members of the public in England and Wales.

(e) Special rules on the transfer of title deeds in respect of cultural property

Chattels pass by delivery. There are no transfer documents required. It is common practice, however, to record the transfer to ensure good title but this is not necessary. For objects accepted in lieu these are held inalienably and the transfer documents of title are the Memorandum of Acceptance and the Direction. For Private treaty sales it is delivery that passes title and very little is recorded. Usually grants are given and taxpayer money used for the acquisition and the terms of tenure will be governed by the acquiring institution and any terms made by the grant giving bodies ([more information on deaccessioning on MLA's website](#)).

7. Bilateral agreements

(a) Bilateral agreements concluded with other countries on the import, export and return of cultural property

None

(b) Conditions settled by the importing country with regard to the admissibility of requests for restitution from a country of origin

None

(c) Administrative aid or any other type of cooperation with neighbouring countries, particularly in respect of police and customs services?

Assistance is given on an informal police to police basis through INTERPOL. Many countries have dedicated units involved in the investigation of offences involving cultural property and these officers co-operate with each other on a regular basis to combat these crimes.

There is no routine/regular contact or co-operation with Customs authorities of neighbouring countries, although collaborative working would ensue in response to specific, cross-border cases involving tainted cultural goods.

II. Code of ethics, awareness raising and education

1. Ethical standards

(a) Application of the UNESCO International Code of Ethics for Dealers in Cultural Property and the ICOM for museums

[The 1970 UNESCO Convention: Guidance for Dealers and Auctioneers in Cultural Property](#) is the means of making dealers aware of these issues.

Under the Dealing in Cultural Property (Offences) Act 2003 it is an offence for any person dishonestly to deal in a cultural object that is tainted, knowing or believing that the object is tainted. [Dealing in Tainted Cultural Objects: Guidance on the Dealing in Cultural Objects \(Offences\) Act 2003](#) provides basic guidance on the new offence.

In addition Codes of ethics, sometimes called codes of practice, set out the professional standards through which those working in the trade should operate. They may in some cases be supplemented (or replaced) by rules or bye-laws, which are binding on members of a particular association. They are drawn up by the professional associations for the trade and upheld by their membership.

There are no specific legal procedures for the control of auction houses but an EU Directive on Money laundering implemented by the Money laundering Regulations 2007 requires « high value dealers » (when taking cash of 15,000 euros or more in total (which includes auction houses) to keep records and obtain evidence of identity where cash transaction is above a certain level. As to administrative procedures for the control of auction houses they will be bound by similar codes of practices as mentioned above.

2. Awareness raising and education

(b) Dissemination of the “One hundred missing objects” series and the ICOM Red Lists

The Metropolitan Police has a dedicated unit which receives details of stolen cultural property from around the world. Where appropriate these can be disseminated to members of the various trade organisations and auction houses. The unit has also used ‘Artbeat’ officers to assist in raising awareness within the London art market of items which appear on these lists. ‘Artbeat’ is a small team of volunteer police officers who have specialist knowledge of the art market and assist the unit to combat cultural property crimes.

Both sources of reference are widely advertised to, and used by, officers within HM Revenue and Customs (HMRC) and the UK Border Agency (UKBA) who encounter cultural objects during the course of their import and export processing/anti-smuggling duties.

(c) Description of activities carried out to raise the awareness of the authorities and educate the public, children in particular, regarding the serious damage that can be caused by illegal excavations, theft of cultural property and illegal export.
How far can UNESCO contribute to these activities?

We seek to raise public awareness by:

- Working with selected groups within London. The Metropolitan Police Art and Antiques Unit (AAU) have established a London Museum Security Group. They have also formed a London Art Market Forum.
- AAU delivers public lectures on matters of art crime at high profile venues.
- AAU running exhibitions highlighting particular risks to the public - next public exhibition will open take place at The Bolton Museum on 15th April 2011 "The Investigation of Fakes & Forgeries".
- AAU seeks to emphasise the dangers and risks of art crime when publishing details of operations, convictions and recoveries.
- The Portable Antiquities Scheme does a lot of [outreach work raising awareness of the importance of reporting archaeological finds](#).

III. Cooperation with other international and regional agencies

Police

(a) State of national cooperation with INTERPOL. Specialized police services to whom the heritage officials can call on for enquiries, legal proceedings and punitive measures

The Art and Antiques Unit are a specialist Metropolitan Police unit dedicated to combating crimes involving cultural heritage. The unit liaises with and are the first point of contact for INTERPOL. They assist countries conducting investigations into crimes of this nature and provide evidence for prosecutions through the UK CA (Home Office). It should however be noted that the unit does not have a National remit and only deals with London based enquiries. There are a total of 43 police forces in the country and each one will dedicate varying amounts of time and resources to providing assistance to Interpol.

(b) Check on the INTERPOL database on stolen objects when a cultural object is stolen. Transmission of information on the persons implicated in the theft of cultural property

The Metropolitan Police hold their own database of stolen artwork (London Stolen Art Database - LSAD). LSAD is the only database of stolen artwork in the country, however it is available to officers throughout the UK to use. There is also a facility whereby members of the public can check the database to establish whether details of a particular item are recorded, although this is a facility that has to be conducted manually by Art and Antiques Unit staff. Where appropriate items entered onto LSAD will be sent for inclusion on the Interpol database of stolen artwork. Intelligence relating to persons involved in the theft of cultural property will be transmitted to Interpol for onward transmission to whichever country the intelligence may affect. What information is transmitted is assessed on a case to case basis.

(c) Specific training program for members of police services

Not specifically, although if training needs are identified then officers will be allowed to apply for and attend specific courses where necessary.

(d) Punishment of fraud and theft related to cultural property via criminal law provisions. Specialized judges in this field

No

(e) Cooperation with the United Nations Office on Drugs and Crime (UNODC)

No

Customs

(f) Status of cooperation with the World Customs Organization. Specialized customs services which could assist heritage officials in preventing the illicit export of cultural property

There is no routine Customs co-operation with the World Customs Organisation or heritage officials. Collaborative working would be instigated in response to a specific case or threat. UKBA and HMRC officers would react appropriately to specific intelligence received.

(g) Specific training program for members of the customs administration

There is no training programme unique to cultural property. Awareness and expertise would be gained from close liaison with DCMS, MLA, museums, and members of the art/cultural community.

(h) Reference to the UNESCO-WCO Model Export Certificate for Cultural Objects

No

European Union - Application of the Council of the European Communities Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State

The Return of Cultural Objects Regulations 1994 enacts the Directive in the UK. A Member of staff at the Department for Culture, Media and Sport has been nominated as the national authority under the Directive. The national authority is responsible for reporting every 3 years to the Commission on the operation of the Directive.

IV. Other legislative, legal and administrative measures taken by the State

1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

UK is not considering ratification. After lengthy consultation, the UK decided against signing this on the grounds that it conflicts with our current law. Of particular concern is the length of the limitation periods in the UNIDROIT Convention, which would mean that in some instances claims could be made for the return of stolen cultural property up to 50 years after the theft. Compliance with the UNIDROIT Convention would require changes to our limitation periods and to our personal property law, resulting in a special regime for cultural objects. UK is not planning to introduce such legislation.

2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation

UK is concerned by a case under discussion.

3. UNESCO Database of National Cultural Heritage Laws – contribution and update

We contributed to the database in 2009. A list with updated legislation and comments has been attached to the original report for the Secretariat.