



# Holocaust (Return of Cultural Objects) Act 2009

2009 CHAPTER 16

**E+W+S**

An Act to confer power to return certain cultural objects on grounds relating to events occurring during the Nazi era. [12th November 2009]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## **1 Bodies to which this Act applies** **E+W+S**

This Act applies to the following bodies—

- The Board of Trustees of the Armouries,
- The British Library Board,
- The Trustees of the British Museum,
- The Trustees of the Imperial War Museum,
- The Board of Trustees for the National Galleries of Scotland,
- The Board of Trustees of the National Gallery,
- [<sup>F1</sup>The National Library of Scotland]
- The Trustees of the National Maritime Museum,
- The Board of Trustees of the National Museums and Galleries on Merseyside,
- The Board of Trustees of the National Museums of Scotland,
- The Board of Trustees of the National Portrait Gallery,
- The Trustees of the Natural History Museum,
- The Board of Trustees of the Royal Botanic Gardens, Kew,
- The Board of Trustees of the Science Museum,
- The Board of Trustees of the Tate Gallery,

*Changes to legislation: There are currently no known outstanding effects for the Holocaust (Return of Cultural Objects) Act 2009. (See end of Document for details)*

The Board of Trustees of the Victoria and Albert Museum,  
The Board of Trustees of the Wallace Collection.

#### Textual Amendments

**F1** Words in s. 1 substituted (1.2.2013) by National Library of Scotland Act 2012 (asp 3), s. 12(3), **sch. 2 para. 8(a)**; S.S.I. 2013/1, art. 2

#### Commencement Information

**I1** S. 1 in force at 13.1.2010 by S.I. 2010/50, art. 2

## 2 Power to return victims' property **E+W+S**

- (1) A body to which this Act applies may transfer an object from its collections if the following conditions are met.
- (2) Condition 1 is that the Advisory Panel has recommended the transfer.
- (3) Condition 2 is that the Secretary of State has approved the Advisory Panel's recommendation.
- (4) The Secretary of State may approve a recommendation for the transfer of an object from the collections of a Scottish body only with the consent of the Scottish Ministers.
- (5) “Scottish body” means—
  - The Board of Trustees for the National Galleries of Scotland,
  - [<sup>F2</sup>The National Library of Scotland],
  - The Board of Trustees of the National Museums of Scotland.
- (6) The power conferred by subsection (1) does not affect any trust or condition subject to which any object is held.
- (7) The power conferred by subsection (1) is an additional power.

#### Textual Amendments

**F2** Words in s. 2(5) substituted (1.2.2013) by National Library of Scotland Act 2012 (asp 3), s. 12(3), **Sch. 2 para. 8(b)**; S.S.I. 2013/1, art. 2

#### Commencement Information

**I2** S. 2 in force at 13.1.2010 by S.I. 2010/50, art. 2

## 3 “Advisory Panel” **E+W+S**

- (1) For the purposes of this Act “Advisory Panel” means a panel for the time being designated by the Secretary of State for those purposes.
- (2) The Secretary of State may designate a panel for the purposes of this Act only if the panel's functions consist of the consideration of claims which—
  - (a) are made in respect of objects, and
  - (b) relate to events occurring during the Nazi era.

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- (3) “Nazi era” means the period—
- (a) beginning with 1 January 1933, and
  - (b) ending with 31 December 1945.

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**Commencement Information**

**I3** S. 3 in force at 13.1.2010 by S.I. 2010/50, art. 2

**4 Short title, extent [<sup>F3</sup> and commencement] E+W+S**

- (1) This Act may be cited as the Holocaust (Return of Cultural Objects) Act 2009.
- (2) This Act extends to—
- (a) England and Wales, and
  - (b) Scotland.
- (3) The preceding sections of this Act come into force on such day as the Secretary of State may by order appoint.
- (4) An order may make different provision for different purposes.
- (5) Before appointing a day for the coming into force of the preceding sections of this Act so far as they relate to Scottish bodies the Secretary of State must consult the Scottish Ministers.
- (6) “Scottish body” has the meaning given by section 2(5).
- <sup>F4</sup>(7) .....

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**Textual Amendments**

- F3** Words in s. 4 heading substituted (4.7.2019) by Holocaust (Return of Cultural Objects) (Amendment) Act 2019 (c. 20), ss. 1(a), 2(2)
- F4** S. 4(7) omitted (4.7.2019) by virtue of Holocaust (Return of Cultural Objects) (Amendment) Act 2019 (c. 20), ss. 1(b), 2(2)

**Changes to legislation:**

There are currently no known outstanding effects for the Holocaust (Return of Cultural Objects) Act 2009.