



# Tribunals, Courts and Enforcement Act 2007

## 2007 CHAPTER 15

### PART 6

#### PROTECTION OF CULTURAL OBJECTS ON LOAN

#### 134 Protected objects

- (1) An object is protected under section 135 if the conditions in subsection (2) are met when it enters the United Kingdom.
- (2) The conditions are—
  - (a) the object is usually kept outside the United Kingdom,
  - (b) it is not owned by a person resident in the United Kingdom,
  - (c) its import does not contravene a prohibition or restriction on the import of goods, imposed by or under any enactment, that applies to the object, a part of it or anything it conceals,
  - (d) it is brought to the United Kingdom for public display in a temporary exhibition at a museum or gallery, and
  - (e) the museum or gallery has complied with any requirements prescribed by regulations made by the Secretary of State under this paragraph about the publication of specified information about the object.
- (3) A person owns an object for the purposes of subsection (2)(b) whether he owns it beneficially or not and whether alone or with others.
- (4) The protection continues—
  - (a) only so long as the object is in the United Kingdom for any of the purposes in subsection (7), and
  - (b) unless subsection (5) applies, for not more than 12 months beginning with the day when the object enters the United Kingdom.

*Status: Point in time view as at 01/10/2013.*

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- (5) The protection continues after the end of the period specified in subsection (4)(b) if the object has suffered damage while protected, and—
- (a) it is undergoing repair, conservation or restoration in the United Kingdom because of the damage, or
  - (b) it is leaving the United Kingdom following repair, conservation or restoration because of the damage.
- (6) A new period of protection begins each time an object enters the United Kingdom and the conditions in subsection (2) are met.
- (7) The purposes mentioned in subsection (4)(a) are—
- (a) public display in a temporary exhibition at a museum or gallery;
  - (b) going to or returning from public display in a temporary exhibition at a museum or gallery;
  - (c) related repair, conservation or restoration;
  - (d) going to or returning from related repair, conservation or restoration;
  - (e) leaving the United Kingdom.
- (8) Repair, conservation or restoration is related if it is carried out in the United Kingdom and is done—
- (a) to prepare the object for public display in a temporary exhibition at a museum or gallery, or
  - (b) because of damage suffered in the course of something within subsection (7).
- (9) The Secretary of State may make regulations requiring a museum or gallery to provide persons with specified information about an object in specified circumstances (which may include in particular compliance with conditions imposed by or under the regulations).
- (10) Regulations under this section—
- (a) may not be made without the consent of the Scottish Ministers, the Welsh Ministers and the Department for Culture, Art and Leisure in Northern Ireland, and
  - (b) must be made by statutory instrument.
- (11) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Commencement Information**

- II** Pt. 6 wholly in force at 22.4.2008; Pt. 6 not in force at Royal Assent see s. 148; Pt. 6 in force for E. at 31.12.2007 by S.I. 2007/3613, art. 2; Pt. 6 in force for S. at 21.4.2008 by S.S.I. 2008/150, art. 2; Pt. 6 in force for N.I. and in application to W. at 22.4.2008 by S.I. 2008/1158, art. 2

### **135 Effect of protection**

- (1) While an object is protected under this section it may not be seized or forfeited under any enactment or rule of law, unless—
- (a) it is seized or forfeited under or by virtue of an order made by a court in the United Kingdom, and

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- (b) the court is required to make the order under, or under provision giving effect to, [<sup>F1</sup>an EU obligation] or any international treaty.
- (2) Protection under this section does not affect liability for an offence of importing, exporting or otherwise dealing with the object, but (subject to subsection (1)) any power of arrest or otherwise to prevent such an offence is not exercisable so as to prevent the object leaving the United Kingdom.
- (3) In this section, references to seizure or forfeiture in relation to an object include references to—
- (a) taking control of the object under Schedule 12 (in England and Wales);
  - (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 object, in the course of a criminal investigation or criminal proceedings (against the owner, the museum or gallery or any other person);
  - (e) the making or enforcement of an order relating to the custody or control of the object in civil proceedings (against the owner, the museum or gallery or any other person).

#### Textual Amendments

- F1** Act: for the phrase "a Community obligation" there is substituted (22.4.2011) "an EU obligation" by virtue of [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 3\(1\)\(2\), 6\(1\)\(e\)\(3\)](#) (with [art. 3\(3\)](#))

#### Commencement Information

- I2** [Pt. 6](#) wholly in force at 22.4.2008; [Pt. 6](#) not in force at Royal Assent see [s. 148](#); [Pt. 6](#) in force for E. at 31.12.2007 by [S.I. 2007/3613](#), [art. 2](#); [Pt. 6](#) in force for S. at 21.4.2008 by [S.S.I. 2008/150](#), [art. 2](#); [Pt. 6](#) in force for N.I. and in application to W. at 22.4.2008 by [S.I. 2008/1158](#), [art. 2](#)

## 136 Relevant museums and galleries

- (1) In this Part “museum or gallery” means an institution in the United Kingdom approved under this section by the appropriate authority.
- (2) The matters that the appropriate authority must have regard to when deciding whether to approve an institution include—
- (a) the institution's procedures for establishing the provenance and ownership of objects, and
  - (b) in particular, compliance by the institution with guidance about such procedures published by the Secretary of State from time to time.
- (3) The appropriate authority may withdraw approval from an institution if it thinks fit, and, in particular, if—
- (a) it thinks that the institution's procedures for establishing the provenance or ownership of objects are inadequate (because of the institution's failure to comply with guidance published by the Secretary of State or for some other reason), or
  - (b) the institution has failed to comply with a requirement of regulations under section 134(9).

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- (4) The withdrawal of approval from an institution does not affect the application of sections 134 and 135 to any object which is a protected object immediately before the withdrawal.
- (5) In this section “the appropriate authority” means—
- (a) the Secretary of State, in relation to an institution in England,
  - (b) the Welsh Ministers, in relation to an institution in Wales,
  - (c) the Scottish Ministers, in relation to an institution in Scotland, and
  - (d) the Department for Culture, Art and Leisure, in relation to an institution in Northern Ireland.

#### **Commencement Information**

**I3** Pt. 6 wholly in force at 22.4.2008; Pt. 6 not in force at Royal Assent see s. 148; Pt. 6 in force for E. at 31.12.2007 by S.I. 2007/3613, art. 2; Pt. 6 in force for S. at 21.4.2008 by S.S.I. 2008/150, art. 2; Pt. 6 in force for N.I. and in application to W. at 22.4.2008 by S.I. 2008/1158, art. 2

### **137 Interpretation**

- (1) The following apply for the purposes of this Part.
- (2) “Enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.
- (3) “Public display” means display to which the public are admitted, on payment or not, but does not include display with a view to sale.
- (4) “Temporary exhibition” means an exhibition of one or more objects which is open to the public for a period of less than twelve months, whether at a single location or at a succession of locations.
- (5) A temporary exhibition is at a museum or gallery if it is held at or under the direction of the museum or gallery.
- (6) An individual is resident in the United Kingdom if he is ordinarily resident in the United Kingdom for the purposes of income tax, or would be if he were receiving income on which tax is payable.
- (7) The trustees of a settlement (or, in Scotland, the trustees of a trust) are resident in the United Kingdom if they are resident and ordinarily resident in the United Kingdom for the purposes of income tax, or would be if they were receiving income on which tax is payable.
- (8) A partnership (including a limited partnership) or unincorporated association is resident in the United Kingdom if it is established under the law of any part of the United Kingdom.
- (9) A body corporate is resident in the United Kingdom if it is incorporated under the law of any part of the United Kingdom.
- (10) “United Kingdom” includes the territorial sea adjacent to the United Kingdom (within the meaning given by section 1 of the Territorial Sea Act 1987 (c. 49)).

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#### Commencement Information

- 14** Pt. 6 wholly in force at 22.4.2008; Pt. 6 not in force at Royal Assent see s. 148; Pt. 6 in force for E. at 31.12.2007 by S.I. 2007/3613, art. 2; Pt. 6 in force for S. at 21.4.2008 by S.S.I. 2008/150, art. 2; Pt. 6 in force for N.I. and in application to W. at 22.4.2008 by S.I. 2008/1158, art. 2

### 138 Crown application

This Part binds the Crown.

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- 15** Pt. 6 wholly in force at 22.4.2008; Pt. 6 not in force at Royal Assent see s. 148; Pt. 6 in force for E. at 31.12.2007 by S.I. 2007/3613, art. 2; Pt. 6 in force for S. at 21.4.2008 by S.S.I. 2008/150, art. 2; Pt. 6 in force for N.I. and in application to W. at 22.4.2008 by S.I. 2008/1158, art. 2

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