

Part 6 of the Tribunals, Courts and Enforcement Act 2007 (the Act) and The Protection of Cultural Objects on Loan (Publication and Provision of Information) Regulations 2008 in order for the protection to apply

This information is provided as a guide only. Institutions must obtain their own legal advice on compliance with the requirements for protection under Part 6 of the Tribunals Courts and Enforcement Act 2007

CHECK LIST OF REQUIREMENTS

To be protected from court orders for seizure the conditions for protection set out in section 134 of the Act must be met when the object enters the UK. The conditions are:-

- The object is usually kept outside the UK,
- It is not owned by a person resident in the UK,
- 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,
- It is brought to the UK for public display in a temporary exhibition at a museum or gallery,
- The borrowing museum or gallery is approved under the Act and
- The museum or gallery has complied with the requirement prescribed in the Protection of Cultural Objects on Loan (Publication and Provision of Information) Regulations 2008 about the publication of specified information about the object. The Regulations require the information to be published on the borrowing institution's website for at least four consecutive weeks before the object enters the UK ending the day before the day on which the object is brought into the UK.

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

Under the Regulations the following information must be provided (free of charge on the borrowing museum's website):-

- the name and address of the lender (or if there is more than one, of each lender); or 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;
- 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),
 - ii a description of the material from which, or on which it was created;

- iii the identity and nationality of the artist, manufacturer or other creator of the object, where this is applicable and known;
- iv the title (if any) by which the object is known;
- v the dimensions of the object;
- vi 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;
- 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;
- a brief description of the appearance of the object, including any identifying marks or inscriptions found on it;
- 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;
- 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;
- 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.

the relevant information about each object must be published (free of charge on the borrowing museum's website) in accordance with this regulation for the initial period by the borrowing institution or by another museum or gallery in connection with the same exhibition.

The Regulations require the information to be published by being made available free of charge on the borrowing institution's website for two periods:

(a) "The initial period" which is a period of at least **four consecutive weeks ending on the day before the day on which the object enters the United Kingdom.** To

satisfy the conditions for protection the information must have been published for this minimum period of four weeks when the object is brought into the UK.

(b) "The additional period is period of twelve consecutive weeks or the duration of the exhibition ending on the day after the last day on which the exhibition is open to the public, whichever is the longer. The additional period begins immediately after the initial period ends.

Timeline

Before object enters UK make sure that

- Object is loaned from abroad
- Owner is not resident in UK
- There is no contravention of 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
- Borrowing institution approved under Act
- Information required by Regulations published on website for at least 4 weeks ending day before the day on which object arrives

After the object arrives in UK

Information must be published on website for further 12 weeks or duration of exhibition whichever is longer period