**Immunity from Seizure: Guidelines for approved museums and galleries on how to apply for an extended period of protection for cultural objects on loan.**

**Background**

Under Part 6 of the Tribunals, Courts and Enforcement Act 2007 (the 2007 Act), cultural objects from outside the UK on loan to approved museums and galleries are protected from court-ordered seizure for a period of up to 12 months from the date the objects enter the UK, providing that the borrowing museum or gallery complies with the conditions of the 2007 Act.

Whilst it is expected that 12 months is a sufficient amount of time for approved museums and galleries to exhibit objects to the public and arrange for their return, we recognise that in some situations the return of objects cannot always be achieved on time. The 2007 Act has therefore been amended to allow the period of protection to be extended for a period of 3 months at a time in England and Scotland.

This guidance sets out how approved museums and galleries in England and Scotland can request a 3 month extension to the period of protection afforded to objects they currently have on loan for the purposes of temporary exhibitions.

1. **Who can apply for an extended period of Immunity from Seizure protection?**

Institutions eligible to apply for extensions are those in England and Scotland which have already obtained approved status under Section 134 the 2007 Act.

If you are seeking guidance on how to obtain approved status, please refer to [How museums and galleries obtain approval](https://www.gov.uk/guidance/protecting-cultural-objects-on-loan)’ on Gov.uk.

1. **What objects can be afforded an extended period of protection?**

Requests for extensions to Immunity from Seizure protection can only apply in relation to cultural objects from outside the UK loaned as part of a current exhibition and which are already in the UK and which are described on an institution’s website in line with regulations made under the 2007 Act.

1. **When should an institution apply for an extension?**

An applying institution should alert the approving authority that it expects it will be unable to meet the planned deadline for the return of objects protected by Immunity from Seizure as soon as possible.   
  
An application for extension should be submitted by email as soon as possible and, wherever possible, at least 6 weeks before the current 12 month protection period is due to expire. See paragraph 7 below.

We recognise that there may be cases where events do not allow a timely request to be submitted. Requests for more immediate approval and where the 12 months is about to expire will be considered, but will need strong reasons and justification for doing so. You should contact the relevant approving authority immediately in such circumstances to explain the issue.

1. **What scenarios would be considered as an acceptable reason for needing an extended period of immunity from seizure protection?**

It is understood that a variety of factors may cause delays to objects being returned as planned and it is not always possible to anticipate and plan for every scenario. Because of this, we do not consider that it would be helpful to specify an exact set of scenarios against which an extension may be considered. Extensions will therefore be considered on a case-by-case basis. Applicants should provide a clear and full justification as to why an extension is necessary.

Broadly, extensions should only be requested where unforeseen circumstances prevent an institution from being able to return objects as planned, and where alternative return arrangements cannot be made within the 12 month period.

An example of a scenario where the approving authority might grant an extended period of protection may include, but is not limited to:

* Where long term national or international travel disruption is expected to last beyond the expiration of the 12 month loan period;
* Where health and safety reasons prevent the institution’s staff from making arrangements for the return of an object (e.g. where a temporary museum closure is expected to last beyond the expiration of the 12 month loan period); or
* Where the lender has confirmed it is not able to securely receive the object upon its return.

A period of extension may be acceptable where objects can be returned within 12 months, but unforeseen factors have limited the display of objects to the public. This might include where unavoidable museum closures or health and safety measures have cut short or postponed exhibitions, following the arrival of the objects in the UK.

* An extended period will only be considered in these circumstances if the applying institution can demonstrate that the objects on loan have not been displayed to the public for the duration originally planned, and can make the case that an extended period will be of public benefit.
* The applying institution will also need to confirm in their application that the lender is willing to extend the loan period.

1. **In what circumstances might an extension request be declined?**

Any extension request should be fully justified and demonstrate that factors beyond the control of the borrowing museum have either limited the exhibition of objects or is likely to impact on the objects return.

Situations where it would **not** be appropriate to request an extension would include:

* To prolong the general length of an exhibition where no factors have either prevented the return or limited the display of objects within the 12 month period; or
* Where institutions have failed to adequately plan for the return of objects within the 12 month period.

1. **How long will an extension last?**Where an application is successful, extensions will be granted for a further period of 3 months. **Institutions should make plans to return objects within this time.**

The objects on loan will continue to be protected throughout the UK for the extended time period, providing that the borrowing institution continues to comply with the conditions of the Act.   
  
There may be situations where, during the 3 month extended period, the approved institution determines it will still not be able to return the objects before the additional period of protection expires. In this case they will be able to apply for further extensions, providing the reason for the delay continues to be justified. The process for making a repeat extension request is set out at **section 8**.

1. **How do institutions apply for an extension?**

For an extension to be considered, institutions must submit a completed extension request form, preferably at least 6 weeks in advance of the end of the original 12 month protection period. A template request form can be found at **Annex A.**

Complete request forms should be signed by the museum director or the person with ultimate responsibility for the loan. Forms should be submitted by email to:

For approved institutions in England: [culturalpropertymailbox@dcms.gov.uk](mailto:culturalpropertymailbox@dcms.gov.uk)

For approved institutions in Scotland: [derek.wilson@gov.scot](mailto:derek.wilson@gov.scot) and [Jennifer.watson@gov.scot](mailto:Jennifer.watson@gov.scot)

Institutions should note that submission of a request form does not guarantee that an extension will be granted. The decision to grant an extended period of protection is at the discretion of either the Secretary of State for Digital, Culture, Media and Sport (for approved institutions in England) or Scottish Ministers (for approved institutions in Scotland).

We will aim to process complete request forms promptly, and where possible within 14 working days of receipt of a complete form. In the majority of cases, a letter confirming the decision will be provided before the expiration of the current period of protection. Please note that where requests are made at a late stage, it may not always be possible for confirmation of the decision to be issued before the end of the current period of protection.

If an extension request is approved, the letter of confirmation will set out the conditions the institution must meet in order for objects to be protected against seizure during the extended time period.

A flow chart setting out the application process is available at **Annex B.**

1. **How do institutions request a repeat extension?**

If a further extension is required, the approving authority should be informed as soon as possible and preferably not less than 4 weeks before the end of the 3 month extended period.

A short statement, signed by the original applicant and referencing the original request form, should set out reasons why return is still not possible.   
  
The approving authority will provide a decision on the further request for extension in writing ahead of the current protection period expiring. Where a further extension is granted, the letter will confirm the new expiration date. Please note that where requests are made at a late stage, it may not always be possible for confirmation of the decision to be issued before the end of the current period of protection

**Annex A - Immunity from Seizure - Extension Request Form**

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| 1. **Name of applying institution** |
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| 1. **Application contact name and email address** |
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| 1. **Exhibition name** |
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| 1. **List of objects affected**   *(e.g. Title of work or object description, object dimensions, artist name if applicable, name and address of lender)*  Where a large number of objects on loan are affected, this information can be provided in a separate object schedule. Please include a link to where the loan information is published online. |
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| 1. **Name and country of lender** |
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| 1. **Please confirm the date the objects entered UK** |
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| 1. **Please confirm the date the 12 month protection will expire.** (Note, this should be 12 months from the date entered above) |
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| 1. **Please confirm the date the objects were planned to be returned.** |
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| 1. **Please explain the reason why an extended period of protection is requested.** You should refer to sections 4 and 5 of the guidance which sets out broad examples of what scenarios would typically be a justified reason for extending the period of protection beyond 12 months. |
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| 1. **What is the proposed new target date for return?** |
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| 1. **To confirm your request, please read and sign the below declaration.** |
| 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. If approved, any extended period of protection will be granted on the condition that these conditions continue to be observed for the remainder of the time the object is in 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 [https://www.legislation.gov.uk/uksi/2008/1159/contents/made](https://www.legislation.gov.uk/uksi/2008/1159/regulation/5/made) about the publication of specified information about the object.   **In making this application, I declare that all information enclosed is accurate to the best of my knowledge.**  **Name:  Job title:**  **Signature:**  **Date:** |

**Annex B – Process Flow Chart**

![A Flow Chart explaining the process of applying for an extended period of Immunity from Seizure protection. 

1. The start of the flow chart notes "Objects approaching end of 12 month protection period"

2. Next, the flow chart advises "approved institution submits Immunity from Seizure extension request form".  Please note that if the period of protection will expire in less than 6 weeks, institutions should contact the approving authority to discuss an urgent request.

3. Next, the flow chart notes that the request will be considered.

4. a) If the request made at step 3 is not considered to be necessary, the flow chart moves to the right. The next step in the process for unsuccessful request reads "request rejected". 

4. b) The final step in the process where a request has been rejected reads "Objects should be returned within the existing protection period".

5. If a request made at step 3 is considered to be acceptable, the flow chart continues downwards. The next step in this process reads "request approved".
 
6. The next step in the process where the request has been successful reads "objects continue to be protected for a further 3 months".

7. The next step in the process is a question, which reads "is return possible within the 3 month extension period?" If the answer is yes, the flow chart moves to the right and joins up with step 4 b), which reads "objects should be returned within the extisting protection period". If the answer is no, the flow chart moves to the left.

8. The next step where an object can still not be returned reads "approved institution submits explanatory statement requesting a further extension".

9. The flowchart now joins up with step 3, which states "request considered". This creates a repeating loop through steps 4 to step 7 until the object is able to be returned. 
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