

Dawn Bowden AS/MS
Dirprwy Weinidog y Celfyddydau a Chwaraeon, a'r Prif Chwip
Deputy Minister for Arts and Sport, and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref:

Elin Jones MS
Llywydd
Senedd Cymru
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By email: Llywydd@senedd.wales

16 March 2022

Dear Elin,

In the Legislative Consent Memorandum laid on 10 December 2021 regarding the Cultural Objects (Protection from Seizure) Bill ("the Bill") I reserved the decision regarding whether to recommend consent to the concurrent power provision contained in Clause 1(2) of the Bill as introduced.

The Bill as introduced brought into question its impact on the Senedd's powers to make legislation in this area in the future and contravened the Welsh Government's principles on concurrent powers.

In line with our principles, a number of attempts at both official and ministerial level (ministerial letter of 25 January 2022 available on request) were made to request an amendment to the Bill, to include a provision which would provide a carve out from the application of paragraph 11(1)(a) of Schedule 7B to the Government of Wales Act 2006. This was a relatively straight forward request and several recent UK Bills have included this carve out. The request was refused.

I am therefore writing to update the Senedd that unfortunately on 28 January the Member in Charge tabled amendments to the Bill for consideration at House of Commons Report Stage which sought to remove Wales from the Bill. These amendments were agreed by the House of Commons and form part of the Bill now being considered by the House of Lords. The Lords' First reading took place on 31 January, with Lords' Second reading scheduled for 18 March 2022. Consequently the Bill no longer contains provision falling within the legislative competence of the Senedd.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I am disappointed with the UK Government's approach. The potential impacts of Wales' removal from the Bill include:

1. UK touring exhibitions may be unable to be displayed in Wales
2. If UK touring exhibitions are displayed, some items from abroad may not to be included in the exhibition during its stay in Wales, resulting in a lower quality exhibition in Wales than in other nations
3. Museums and cultural institutions from some countries might not lend artefacts to Welsh venues
4. Possibility of reputational damage if an item on loan to a Welsh venue is seized due to lack of extension of protection.

Currently, under section 134 of the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act"), cultural objects on loan from abroad to UK museums and galleries approved under the 2007 Act are protected from court-ordered seizure for a period of 12 months from the date the object enters the UK. In principle, items on loan to Wales will still be protected under these provisions, however at the time of writing there are currently no approved Welsh institutions who are able to offer such protections.

This matter has clearly highlighted the need for devolved governments to be included early in the drafting stages of any UK-wide Bill. This has been stressed to UK Government officials.

I believe there were benefits to Wales being included in the Bill and have already set these out in the Legislative Consent Memorandum. As this will no longer be the case we intend to explore alternative options for Wales. As part of our work to develop a new Culture Strategy we will consult with the sectors and consider the need for Wales-specific legislation on this and other issues relating to cultural objects.

I am copying this letter to the Minister for Rural Affairs and North Wales, and Trefnydd, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Delyth Jewell MS, Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee and all Members of the Senedd.

Yours sincerely



Dawn Bowden AS/MS

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