

CyMAL: Museums Archives and Libraries Wales
Response to consultation on restitution of objects spoliated in the Nazi-era

Question 1

Given the particular circumstances, we would agree that museums should have the power to dispose.

Question 2a

Paragraph (ii) provides a broader remit that would not get bogged down in meeting a strict definition, yet clearly identifies the period and specific cause covered by the legislation.

Question 2b

(b) We agree that separate provision be made re the restitution of the Beneventan Missal.

(c) We agree. This seems entirely sensible in view of the possibility, likely to increase as time passes, of multiple claims relating to an individual item.

Question 3

The involvement of the Spoliation Advisory Panel would provide a more robust process than an individual institution making the decision, therefore we do not feel (a) is the best solution. We would prefer that the Spoliation Advisory Panel is involved in all cases, and that their recommendation is binding. However, it is also important to provide the institution with the ability to enter into negotiations with a claimant – for example where there is the possibility of an *ex gratia* payment, rather than return of the item. If the recommendations of the panel are binding, then we see no need for either (e) or (f) in general cases, although it may be an extra layer of protection in the area covered by question 4.

Question 4

We are concerned that this could become a blanket permission – circumstances under which this can happen should be clearly identified and in those instances, the agreement of the Charity Commission or the Attorney General would be beneficial. This should be based on the recommendation of the Spoliation panel.

Question 5

Based on the number of cases brought to the panel to date, it does not seem to justify the setting up of a statutory body. We have no strong views on this, as long as the outcome provides the authority and powers that the panel will require to operate effectively.

Question 6

The area of taxation is not one where we feel we have sufficient expertise to comment. It is our opinion, however, given the nature of loss, that the claimant should be free from any further burden that may result from a successful return. As identified in the consultation document, precedents have already been set.

Question 7

We suggest, if it is deemed practical, that the period of time should run from the date information about an item is made publicly available, and that there should be some central repository for this information. We suggest that no more than twenty years would be appropriate, as that provides a generous amount of time for current or future claims.

Question 8

We agree that a museum or gallery should be protected from further claims, particularly if the decision to return was based on the recommendation of the Spoliation panel.

Lesley-Anne Kerr
CyMAL
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