

HOLOCAUST MEMORIAL BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Holocaust Memorial Bill as introduced in the House of Commons on 23 February 2023 (Bill 254).

- These Explanatory Notes have been prepared by the Department for Levelling Up, Housing and Communities in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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Overview of the Bill

- 1 The purpose of this Bill is to make provision for and in connection with expenditure by the Secretary of State on the construction, use, maintenance, operation or improvement of a Holocaust memorial and learning centre, and the removal of restrictions to the siting of the Holocaust memorial and learning centre on certain land.

Policy background

- 2 In January 2014, the then Prime Minister David Cameron launched the cross-party Holocaust Commission to examine what more should be done in Britain to ensure that the memory of the Holocaust is preserved and that the lessons it teaches are never forgotten. The Commission recommended a “striking” new Memorial should be constructed in a “prominent central London location” to show the UK’s commitment to remembering the Holocaust, with a world class Learning Centre using “cutting edge technology”¹. In January 2015, the Prime Minister accepted the Commission’s recommendations and committed the Government to establish a new national Holocaust Memorial and Learning Centre.
- 3 The Government’s 2019 Manifesto confirmed the commitment made in 2015 to build a national Holocaust Memorial and Learning Centre in Victoria Tower Gardens next to Parliament. The Holocaust Memorial will be a focal point for national remembrance of the Holocaust, dedicated to the six million Jewish men, women and children and all other victims of the Nazis and their collaborators. The Learning Centre’s exhibition will explore the part played by Britain’s Parliament and democratic institutions in response to the persecution of the Jewish people and other groups both at the time and subsequently. It will help people understand the way the lessons of the Holocaust apply more widely, including to other genocides.
- 4 Following an extensive search for suitable sites, Victoria Tower Gardens was recommended to Government as the most fitting site as its historical, emotional and political significance substantially outweighed all other locations. The Holocaust Memorial and Learning Centre was also seen to be in keeping with other memorials sited in the Gardens representing democratic struggles for equality and justice. Victoria Tower Gardens is Crown Land for which the Department for Digital, Culture, Media and Sport hold the title. The Government accepted the recommendation and announced Victoria Tower Gardens as the chosen location for the Memorial on 27 January 2016 to mark Holocaust Memorial Day.
- 5 Following an international competition, the winning design for the Memorial and co-located Learning Centre was announced in October 2017². The design was chosen

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398645/Holocaust_Commission_Report_Britains_promise_to_remember.pdf

² <https://www.gov.uk/government/news/adjaye-associates-and-ron-arad-architects-win-uk-holocaust-memorial-international-design-competition>

because it met an essential challenge of the brief by being visually arresting yet showing sensitivity to its location and context. The winning design was further developed to meet the requirements of the chosen site, and to ensure that the new features and landscaping improvements will benefit all users of the gardens.

Legal background

- 6 Some expenditure has been incurred to date in connection with the development of the proposed Memorial and Learning Centre, including on the preparation of an application for planning consent. The Secretary of State has relied on common law powers. More significant expenditure will need to be incurred in order to construct, maintain and operate the Memorial and Learning Centre, and as set out in Chapter 2 of HM Treasury's document *Managing Public Money*, Ministers must normally seek Parliamentary authority for specific legislation to authorise expenditure on significant new commitments likely to persist.
- 7 An application for planning consent was made by the Secretary of State for Communities in December 2018 for a Memorial and accompanying underground Learning Centre. Following a public inquiry in 2020, planning consent was granted in July 2021. Subsequently in a statutory review of the planning decision the High Court concluded that certain sections of the London County Council (Improvements) Act 1900 ('the 1900 Act') which extended the existing Victoria Tower Gardens southwards and required the Commissioner of Works to maintain the land as a 'garden open to the public' were an obstacle to constructing the Holocaust Memorial and Learning Centre in the Gardens. The High Court quashed the decision to grant planning consent³.
- 8 The Government intends to disapply the relevant sections of the 1900 Act so that they do not constitute an obstacle to construction and operation of the Holocaust Memorial and Learning Centre.
- 9 The Bill does not include all provisions necessary to enable the construction of the Holocaust Memorial and Learning Centre at Victoria Tower Gardens: planning consent will be sought through the provisions of the Town and Country Planning Act 1990.
- 10 The Secretary of State for Levelling Up, Housing and Communities is of the view that the Bill as introduced into the House of Commons does not contain provision which, if enacted, would be environmental law for the purposes of section 20 of the Environment Act 2021. Accordingly, no statement under that section has been made.

Territorial extent and application

- 11 This Act extends to England and Wales but applies to England only.

³ <https://www.judiciary.uk/wp-content/uploads/2022/07/LHPGT-v-Minister-for-Housing-Judgment-080422.pdf>

Commentary on provisions of Bill

Clause 1: Holocaust Memorial and Learning Centre

- 12 This clause provides for the Secretary of State to incur expenditure in relation to the construction, use, maintenance, improvement or operation of a new national Holocaust Memorial and Learning Centre.

Clause 2: Restrictions on using certain land

- 13 This clause provides that the relevant sections of the 1900 Act (Section 8 (1) and Section 8 (8)), which require that Victoria Tower Gardens shall be maintained as a garden open to the public do not prevent the construction and subsequent use and maintenance of a Holocaust Memorial and Learning Centre.

Clause 3: Commencement, extent and short title

- 14 This clause provides for the extent and coming into force of the provisions of the Bill, and the Bill's short title.

Commencement

15 This Act comes into force at the end of the period of two months beginning with the day on which this Act is passed.

Financial implications of the Bill

16 The costs of building, maintaining and running the Holocaust Memorial and Learning Centre will be met from a combination of public funding and charitable donations.

17 Estimated overall project costs of £102.9 million (plus contingency) for construction and £6-8 million per annum for operations were published in the NAO's report of July 2022⁴. Costs are being reviewed to reflect the continuing planning consent process and inflationary pressures. Charitable donations of £25m towards construction costs are expected, with charitable donations also contributing to annual running costs.

Parliamentary approval for financial costs or for charges imposed

18 A money resolution is required for the Bill as the Bill will give rise to new or increased charges on the public revenue. The money resolution will cover any expenditure incurred by the Secretary of State under or by virtue of the Bill.

Compatibility with the European Convention on Human Rights

19 The Secretary of State for Levelling Up, Housing and Communities has made a statement under section 19(1)(a) of the Human Rights Act 1998 that, in his view, the provisions of the Bill are compatible with the Convention.

⁴ <https://www.nao.org.uk/reports/investigation-into-the-management-of-the-holocaust-memorial-and-learning-centre/>

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