

Cultural Property (Armed Conflicts) Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE

Clause 2

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 1, line 18, at end insert “and, consistent with this definition, “cultural property” shall be interpreted in the widest sense in order to reflect the understanding of cultural property in the modern age”

Clause 4

LORD TOUHIG
LORD STEVENSON OF BALMACARA

Page 2, line 42, leave out paragraphs (a) and (b) and insert –

- “(a) aiding, abetting, counselling or procuring the commission of that offence;
- (b) inciting a person to commit that offence;
- (c) attempting or conspiring to commit that offence, or
- (d) an offence under section 4(1) or 5(1) of the Criminal Law Act 1967 (assisting an offender or concealing the commission of an offence) where the relevant offence mentioned there is an offence under section 3 of this Act.”

Page 3, line 7, leave out paragraphs (a) and (b) and insert –

- “(a) aiding, abetting, counselling or procuring the commission of that offence;
- (b) inciting a person to commit that offence;
- (c) attempting or conspiring to commit that offence, or
- (d) an offence under section 4(1) or 5(1) of the Criminal Law Act (Northern Ireland) 1967 (assisting an offender or concealing the commission of an offence) where the relevant offence mentioned there is an offence under section 3 of this Act.”

Clause 5

LORD TOUHIG
LORD STEVENSON OF BALMACARA

Page 4, line 27, at end insert –

“() The Secretary of State shall ensure that the military guidance in this section is reflected in the Joint Service Manual of the Law of Armed Conflict.”

Page 4, line 27, at end insert –

“() Once in each year after the coming into force of this section, the Secretary of State must lay before Parliament a list of all ranking military commanders who are responsible for a section 3 offence committed by forces under the commander’s effective command, under section 5(2).”

After Clause 5

LORD TOUHIG
LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“Embedded forces

This Act applies to a person subject to UK service jurisdiction serving under the military command of the armed forces of another country.”

Insert the following new Clause –

“Private military contractors

This Act applies to private military contractors and individuals within private military contractors.”

Clause 6

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

The above-named Lords give notice of his intention to oppose the Question that Clause 6 stand part of the Bill.

Clause 7

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 4, line 38, at end insert –

“(c) in Scotland, only by the Lord Advocate for Scotland.”

The above-named Lords give notice of his intention to oppose the Question that Clause 7 stand part of the Bill.

Clause 8

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 5, line 5, at end insert –

“() Where cultural property is in a digital form the cultural emblem may be displayed in a digital format.”

Clause 9

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 5, line 20, at end insert –

“(c) in Scotland, only by or with the consent of the Lord Advocate for Scotland.”

Clause 10

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 5, line 30, at end insert –

“(4) At the end of the period of one year following the passing of this Act, the Secretary of State must prepare and publish a report outlining the criteria that will be used by the appropriate national authority to grant permission of use of the cultural emblem.”

Clause 12

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

The above-named Lords give notice of his intention to oppose the Question that Clause 12 stand part of the Bill.

Clause 17

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 8, line 42, at end insert –

“() Cultural property for sale originating from war zones or area of conflict shall require those responsible for the sale to assume that an item has been unlawfully exported and take all necessary steps accordingly.”

Clause 18

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 9, line 10, at end insert “provided this is a response to new evidence”

After Clause 18

LORD ROSSER
LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“United Kingdom Border Force: code of practice

- (1) The Secretary of State shall publish, and lay before Parliament, a code of practice for Border Force employees on the handling of, and training and enforcement practices relating to, cultural property covered by this Act.
- (2) At the end of the period of one year after the passing of this Act, the Secretary of State shall publish a report outlining whether and how practice at the United Kingdom Border Force has changed in response to the passing of this Act, and the code of practice.”

Clause 19

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 9, line 13, at end insert “or reimported”

Clause 21

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 9, line 36, at end insert –

- “(4) At the time that a court order is made the court must publish details of who is responsible for meeting the costs of compensation and such other details as is considered appropriate.”

Clause 22

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 10, line 6, at end insert –

- “(e) make public the location and conditions of storage.”

Clause 23

LORD ROSSER
LORD STEVENSON OF BALMACARA

Page 10, line 20, leave out “constable” and insert “senior police officer”

Clause 24

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 11, line 24, at end insert –

- “() An order under this section may for example –

Clause 24 - continued

- (a) require it to be kept at a particular location;
- (b) stipulate conditions under which it must be kept;
- (c) require or authorise a person to take steps for its conservation;
- (d) make public the location and conditions of storage.”

After Clause 24

LORD ROSSER

LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“Retention of property in custody of Border Force

- (1) This section applies to property that –
 - (a) has been seized for a purpose connected with the investigation or prosecution of a suspected offence under section 17, and
 - (b) is in the custody of the Border Force.
- (2) If the property ceases to be needed for that purpose the Border Force may apply to a justice for an order that the property must be retained by Border Force pending –
 - (a) forfeiture of the property under section 20, or
 - (b) return or disposal of the property under section 27.
- (3) The justice may make the order if satisfied that there are reasonable grounds for suspecting that the property may be liable to forfeiture under section 19 (and in accordance with section 20).
- (4) When Border Force has custody of the property following the making of an order for its retention it must give notice of the order to any person who, to his or her knowledge, owned the property at the time the order was made.
- (5) An order under this section may for example –
 - (a) require it to be kept at a particular location;
 - (b) stipulate conditions under which it must be kept;
 - (c) require or authorise a person to take steps for its conservation;
 - (d) make public the location and conditions of storage.
- (6) It is lawful for property to which this section applies to be retained by Border Force –
 - (a) pending the making or determination of an application under subsection (2), or
 - (b) in accordance with an order under subsection (3).
- (7) The following do not apply to property retained in reliance on subsection (5) –
 - (a) the Police (Property) Act 1897 (property seized in the investigation of an offence);
 - (b) section 31 of the Police (Northern Ireland) Act 1998 (which makes similar provision in Northern Ireland).
- (8) In this section “justice” means –
 - (a) in England and Wales, a justice of the peace,
 - (b) in Scotland, a sheriff or summary sheriff, and
 - (c) in Northern Ireland, a lay magistrate.”

Clause 25

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

The above-named Lords give notice of his intention to oppose the Question that Clause 25 stand part of the Bill.

Clause 26

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

The above-named Lords give notice of his intention to oppose the Question that Clause 26 stand part of the Bill.

After Clause 28

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Insert the following new Clause—

“Safeguarding cultural property

At the end of the period of the year following the passing of this Act, the Secretary of State shall prepare a report to Parliament on how the Government have safeguarded cultural property situated within the UK against the foreseeable effect of an armed conflict, in accordance with Article 3 of the Convention.”

Clause 32

LORD STEVENSON OF BALMACARA
LORD COLLINS OF HIGHBURY

Page 15, line 15, leave out subsection (2) and insert –

“(2) The other provisions of this Act shall, for the avoidance of doubt, come into force on one of the Common Commencement Dates.”

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17 June 2016
