

Museums and Galleries Bill

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Provide for the trustees or board of certain museums and galleries and the Secretary of State to reach agreements relating to the return of objects or human remains, to the exchange of cultural objects or to international cultural co-operation; to enable the Secretary of State to make proposals for agreements and to issue directions in respect of agreements reached by him; to make provision arising from cases in which parties to an agreement in a country other than the United Kingdom are held not to have complied with the terms of an agreement; to provide for relevant museums and galleries to dispose of objects or human remains in their collections in pursuance of agreements or directions; to exempt exports of objects in pursuance of an agreement from cultural export controls; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Agreements, proposals and directions

1 Relevant museums and galleries

The provisions of this Act shall apply to the following museums and galleries in the United Kingdom—

- (a) the Armouries; 5
- (b) the British Museum;
- (c) the Imperial War Museum;
- (d) the National Gallery;
- (e) the National Maritime Museum;
- (f) the National Museums and Galleries on Merseyside; 10
- (g) the National Portrait Gallery;
- (h) the Natural History Museum;
- (i) the Science Museum;
- (j) the Tate Gallery;
- (k) the Victoria and Albert Museum. 15

2 Purposes of agreements

- (1) An agreement may be reached by the trustees or board of a relevant museum or gallery or by the Secretary of State for one of the purposes specified in subsections (2) to (6).
- (2) The first purpose is the transfer of ownership of an object in the collection of the relevant museum or gallery to a claimant in a case in which the Spoliation Advisory Panel recommends such transfer as an appropriate remedy. 5
- (3) The second purpose is the return of an object in the collection of the relevant museum or gallery to the originating community or its successors for display or access in a museum or gallery, or for use in accordance with the traditions, observances, customs and beliefs of the originating community or its successors. 10
- (4) The third purpose is the transfer of human remains in the collection of the relevant museum or gallery for display or access in a museum or for treatment, burial or disposal in accordance with the traditions, observances, customs and beliefs of the relevant community or its successors. 15
- (5) The fourth purpose is an exchange of cultural objects.
- (6) The fifth purpose is international cultural co-operation.
- (7) No agreement may involve the sale by a relevant museum or gallery of any object in its collection. 20

3 Other parties to agreements

- (1) An agreement for the purpose specified in section 2(2) shall be reached by the trustees or board of the relevant museum or gallery or by the Secretary of State with a claimant.
- (2) An agreement, other than an agreement for the purpose specified in section 2(2), may be reached by the trustees or board of the relevant museum or gallery or by the Secretary of State with— 25
 - (a) the Government of, or a public institution in, the country other than the United Kingdom to which it is proposed that an object be transferred or in which the museum or gallery that it is proposed will receive the benefit is located, or 30
 - (b) a museum or gallery in the country other than the United Kingdom to which it is proposed that an object be transferred or that it is proposed will receive the benefit.
- (3) An agreement for the purpose specified in section 2(3) may be reached by the trustees or board of the relevant museum or gallery or by the Secretary of State with a person or organisation considered by the trustees or board of the relevant museum or gallery or the Secretary of State (as the case may be) to be an appropriate representative of the originating community or its successors. 35
- (4) An agreement for the purpose specified in section 2(4) may be reached by the trustees or board of the relevant museum or gallery or by the Secretary of State with a person or organisation considered by the trustees or board of the relevant museum or gallery or the Secretary of State (as the case may be) to be an appropriate representative of the relevant community or its successors. 40

4 Terms of agreements

- (1) An agreement reached under this Act shall be made in writing and shall specify –
- (a) any object or human remains that are to be transferred from the relevant museum or gallery, 5
 - (b) the place or person to which any object or human remains specified in paragraph (a) is to be transferred,
 - (c) any benefit that the relevant museum or gallery is to provide,
 - (d) the museum or gallery in a country other than the United Kingdom to which any benefit specified in paragraph (c) is to be provided, 10
 - (e) any cultural object that is to be transferred to the relevant museum or gallery,
 - (f) any benefit that is to be provided to the relevant museum or gallery,
 - (g) the period, commencing with the effective date, within which any transfer specified in the agreement is to take place or within which any benefit specified in the agreement is to be provided. 15
- (2) An agreement shall be governed by the law of England and Wales.

5 Consultation by trustees or board on proposed agreements

- (1) When the trustees or board of a relevant museum or gallery propose to reach an agreement under this Act, they shall publish a summary of the terms of the proposed agreement and shall invite comments on the proposed agreement from – 20
- (a) members of any membership organisation operated by the museum or gallery,
 - (b) other interested organisations identified by the trustees or board, and 25
 - (c) members of the public.
- (2) The trustees or board may not reach any agreement until they have published a summary of comments invited in accordance with subsection (1) that have been received by the trustees or board within a period of sixty days after the publication of the summary of the terms of the proposed agreement. 30

6 Agreements by trustees or board

- (1) The trustees or board of a relevant museum or gallery may not reach any agreement for the purposes specified in section 2(5) or (6) which involves the transfer of an object from its collection unless they are satisfied that the following conditions will be met when the object has been transferred to the country other than the United Kingdom specified in the agreement – 35
- (a) that the object will be held in secure conditions and be subject to appropriate care;
 - (b) that the object will be appropriately displayed;
 - (c) that appropriate arrangements will be made for access to the object by scholars, researchers and visitors; and 40
 - (d) that the object will not be sold or otherwise disposed of following transfer.
- (2) The trustees or board of a relevant museum or gallery shall publish any agreement reached by them as soon as is practicable after the agreement is reached. 45

7 Proposals by Secretary of State

- (1) The Secretary of State may make proposals to the trustees or board of a relevant museum or gallery relating to a possible agreement.
- (2) Any proposal made under this section shall be made in writing and shall specify the proposed terms of the agreement in accordance with section 4(1). 5
- (3) The Secretary of State may not make any proposal under this section for the purposes specified in section 2(5) or (6) which proposes the transfer of an object from the collection of the relevant museum or gallery unless he is satisfied that the conditions specified in section 6(1) will be met when the object has been transferred to the country other than the United Kingdom specified in the proposal. 10
- (4) When the Secretary of State makes a proposal under this section, he shall publish a summary of the terms of the proposal and shall invite comments on the proposal from –
 - (a) members of any membership organisation operated by the relevant museum or gallery, 15
 - (b) other interested organisations identified by the Secretary of State, and
 - (c) members of the public.

8 Responses by trustees or board to proposals

- (1) When the Secretary of State makes a proposal under section 7, the trustees or board in receipt of the proposal shall respond in writing within a period of six months. 20
- (2) The response from the trustees or board shall specify whether or not they have reached an agreement relating to the matters specified in the proposal.
- (3) If the trustees or board have not reached an agreement relating to the matters specified in the proposal, the response shall state the views of the trustees or board on – 25
 - (a) the reasons why no such agreement has been reached,
 - (b) the prospects of reaching such an agreement within a period of six months from the date of the response, and 30
 - (c) the reasons for the views given in accordance with paragraph (b).

9 Agreements by Secretary of State

- (1) The Secretary of State may not reach an agreement under this Act unless the conditions specified in subsections (2) to (5) are satisfied.
- (2) The first condition is that the Secretary of State has made a proposal under section 7. 35
- (3) The second condition is that the trustees or board of the relevant museum or gallery have not reached an agreement relating to the matters specified in the proposal and have responded to the Secretary of State accordingly.
- (4) The third condition is that the Secretary of State has published a summary of comments invited in accordance with section 7(4) that have been received by him within a period of sixty days after the publication of the summary of the proposal. 40

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- (5) The fourth condition is that the Secretary of State is not satisfied that—
- (a) an agreement was not reached by the trustees or board of the relevant museum or gallery for good reason, or
 - (b) there is good reason to believe that an agreement will be reached by the trustees or board of the relevant museum or gallery in a period of six months from the date of the response,
- provided that this condition is satisfied if paragraph (b) applied but no agreement has been reached by the trustees or board of the relevant museum or gallery after a period of six months from the date of the response and he is not satisfied that such an agreement was not reached by the trustees or board of the relevant museum or gallery for good reason.
- (6) The Secretary of State may not reach an agreement for the purposes specified in section 2(5) or (6) which proposes the transfer of an object from the collection of the relevant museum or gallery unless he is satisfied that the conditions specified in section 6(1) will be complied with in respect of the agreement.
- (7) The Secretary of State shall lay any agreement reached under this section before Parliament.
- (8) An agreement under this section shall cease to have effect if no direction under section 10 relating to the agreement has come into force within a period of six months from the date on which the agreement was reached.
- 10 Directions**
- (1) When the Secretary of State reaches an agreement under section 9, he shall issue a direction to the trustees or board of the relevant museum or gallery specifying the terms of the agreement to which the direction relates in accordance with section 4(1).
- (2) The Secretary of State shall lay any direction issued under subsection (1) before Parliament.
- (3) No direction shall come into force unless it has been approved by a resolution of each House of Parliament.
- 11 Non-compliance with agreements by certain parties**
- (1) Where the trustees or board of the relevant museum or gallery believes that a party to an agreement reached under this Act in a country other than the United Kingdom has not complied with the terms of the agreement, they shall make a report of their belief and the reasons for it to the Secretary of State.
- (2) Where the Secretary of State believes that a party to an agreement reached under this Act in a country other than the United Kingdom has not complied with the terms of the agreement, either as the result of a report under subsection (1) or otherwise, he shall lay before Parliament a report of his belief and the reasons for it.
- (3) The trustees or board of the relevant museum or gallery shall not be required to comply with the terms of an agreement that is the subject of a report laid before Parliament under subsection (2) or with the terms of a direction issued by the Secretary of State in respect of an agreement that is the subject of a report laid before Parliament under subsection (2).

- (4) No agreement may be reached under this Act, no proposal may be made under section 7, no direction may be issued under section 10 and no direction previously made under section 10 that has not come into force may come into force relating to a country specified in a report under subsection (2) for a period of two years after the relevant report has been laid before Parliament. 5

Amendments of other Acts, etc

12 Amendments of Imperial War Museum Act 1920

- (1) The Imperial War Museum Act 1920 (c. 16) is amended as follows.
- (2) In section 2 (powers and duties of Board) –
- (a) after subsection (1)(c), there is inserted – 10
- “(cc) dispose of any object belonging to the Museum in accordance with the provisions of an agreement reached by the Board under section 6 (agreements by trustees or board) of the Museums and Galleries Act 2003 or of a direction received by the Board that has come into force under section 10 (directions) of that Act;” and 15
- (b) after subsection (1), there is inserted –
- “(1A) The Board shall comply with the provisions of a direction received by the Board that has come into force under section 10 of the Museums and Galleries Act 2003 (directions) and may make such rules as they think necessary for securing compliance.” 20

13 Amendments of National Maritime Museum Act 1934

- (1) The National Maritime Museum Act 1934 (c. 43) is amended as follows.
- (2) In section 2 (establishment of Board of trustees and duties of the Board) – 25
- (a) after subsection (3)(b), there is inserted –
- “(bb) dispose of any object vested in them for the purposes of the Museum in accordance with the provisions of an agreement reached by the Board under section 6 (agreements by trustees or board) of the Museums and Galleries Act 2003 or of a direction received by the Board that has come into force under section 10 (directions) of that Act;” and 30
- (b) after subsection (3), there is inserted –
- “(4) The Board shall comply with the provisions of a direction received by the Board that has come into force under section 10 of the Museums and Galleries Act 2003 (directions) and may make such rules as they think necessary for securing compliance.” 35

14 Amendments of British Museum Act 1963 40

- (1) The British Museum Act 1963 (c. 24) is amended as follows.

(2) After section 5 there is inserted—

“5A Powers and duties of British Museum Trustees under the Museums and Galleries Act 2003

- (1) The Trustees of the British Museum may dispose of any object vested in them and comprised in their collections in accordance with the provisions of an agreement reached by the Trustees under section 6 (agreements by trustees or board) of the Museums and Galleries Act 2003 or of a direction received by the Board that has come into force under section 10 (directions) of that Act. 5
- (2) The Trustees shall comply with the provisions of a direction received by them that has come into force under section 10 of the Museums and Galleries Act 2003 (directions) and may make such rules as they think necessary for securing compliance.” 10

(3) After section 8 there is inserted—

“8A Powers and duties of Natural History Trustees under the Museums and Galleries Act 2003 15

- (1) The Natural History Trustees may dispose of any object vested in them and comprised in their collections in accordance with the provisions of an agreement reached by the Trustees under section 6 (agreements by trustees or board) of the Museums and Galleries Act 2003 or of a direction received by the Board that has come into force under section 10 (directions) of that Act. 20
- (2) The Trustees shall comply with the provisions of a direction received by them that has come into force under section 10 of the Museums and Galleries Act 2003 (directions) and may make such rules as they think necessary for securing compliance.” 25

15 Amendments of National Heritage Act 1983

(1) The National Heritage Act 1983 (c. 47) is amended as follows.

(2) In section 6(3) (acquisition and disposal of objects), after paragraph (c), there is inserted— 30

“(cc) the disposal is an exercise of a power or duty conferred by section 6A, or”.

(3) After section 6, there is inserted—

“6A Powers and duties of Board of Trustees of the Victoria and Albert Museum under the Museums and Galleries Act 2003 35

- (1) The Board may dispose of any object the property in which is vested in them and which is comprised in their collections in accordance with the provisions of an agreement reached by the Board under section 6 (agreements by trustees or board) of the Museums and Galleries Act 2003 or of a direction received by the Board that has come into force under section 10 (directions) of that Act. 40
- (2) The Board shall comply with the provisions of a direction received by them that has come into force under section 10 of the Museums and Galleries Act 2003 (directions) and may make such rules as they think necessary for securing compliance.” 45

- (4) In section 14(3) (acquisition and disposal of objects), after paragraph (c), there is inserted –
 “(cc) the disposal is an exercise of a power or duty conferred by section 14A, or”.
- (5) After section 14, there is inserted – 5
- “14A Powers and duties of Board of Trustees of the Science Museum under the Museums and Galleries Act 2003**
- (1) The Board may dispose of any object the property in which is vested in them and which is comprised in their collections in accordance with the provisions of an agreement reached by the Board under section 6 (agreements by trustees or board) of the Museums and Galleries Act 2003 or of a direction received by the Board that has come into force under section 10 (directions) of that Act. 10
- (2) The Board shall comply with the provisions of a direction received by them that has come into force under section 10 of the Museums and Galleries Act 2003 (directions) and may make such rules as they think necessary for securing compliance.” 15
- (6) In section 20(3) (acquisition and disposal of objects), after paragraph (c), there is inserted –
 “(cc) the disposal is an exercise of a power or duty conferred by section 20A, or”.
- (7) After section 20, there is inserted – 20
- “20A Powers and duties of Board of Trustees of the Armouries under the Museums and Galleries Act 2003**
- (1) The Board may dispose of any object the property in which is vested in them and which is comprised in their collections in accordance with the provisions of an agreement reached by the Board under section 6 (agreements by trustees or board) of the Museums and Galleries Act 2003 or of a direction received by the Board that has come into force under section 10 (directions) of that Act. 25
- (2) The Board shall comply with the provisions of a direction received by them that has come into force under section 10 of the Museums and Galleries Act 2003 (directions) and may make such rules as they think necessary for securing compliance.” 30
- 16 Amendments of Merseyside Museums and Galleries Order 1986** 35
- (1) The Merseyside Museums and Galleries Order 1986 (S.I. 1986/226) is amended as follows.
- (2) In Article 6 (acquisition and disposal of works and objects), after paragraph (2)(c), there is inserted –
 “(cc) the disposal is an exercise of a power or duty conferred by Article 6A, or”.
- 40

(3) After Article 6, there is inserted –

“6A Powers and duties of Board under the Museums and Galleries Act 2003

- (1) The Board may dispose of any object in the collections in accordance with the provisions of an agreement reached by the Board under section 6 (agreements by trustees or board) of the Museums and Galleries Act 2003 or of a direction received by the Board that has come into force under section 10 (directions) of that Act. 5
- (2) The Board shall comply with the provisions of a direction received by the Board that has come into force under section 10 of the Museums and Galleries Act 2003 (directions) and may make such rules as they think necessary for securing compliance.” 10

17 Amendments of Museums and Galleries Act 1992

- (1) The Museums and Galleries Act 1992 (c. 44) is amended as follows.
- (2) In section 4 (acquisition and disposal of pictures and other objects) – 15
- (a) in subsection (3), at the end, there is inserted “or of a power or duty conferred by section 4A”;
- (b) after subsection (4)(a), there is inserted –
- “(aa) the disposal is an exercise of a power or duty conferred by section 4A”; and 20
- (c) after subsection (5)(a), there is inserted –
- “(aa) the disposal is an exercise of a power or duty conferred by section 4A”.

(3) After section 4, there is inserted –

“4A Powers and duties under the Museums and Galleries Act 2003 25

- (1) The National Gallery Board, the Tate Gallery Board and the National Portrait Gallery Board may dispose of a relevant object the property in which is vested in them and which is comprised in their collection in accordance with the provisions of an agreement reached by the Board under section 6 (agreements by trustees or board) of the Museums and Galleries Act 2003 or of a direction received by the Board that has come into force under section 10 (directions) of that Act. 30
- (2) The National Gallery Board, the Tate Gallery Board and the National Portrait Gallery Board shall comply with the provisions of a direction received by them that has come into force under section 10 of the Museums and Galleries Act 2003 (directions) and may make such rules as they think necessary for securing compliance.” 35

Export controls

18 Exemption from controls on export of objects of cultural interest

The export of an object from the United Kingdom in pursuance of an agreement under this Act shall not be subject to the provisions of any order made by the Secretary of State under section 1 of the Export Control Act 2002 (c. 28) (export controls) for the purpose specified in paragraph 5 of the 40

Schedule to that Act (prohibiting or regulating the exportation of objects of cultural interest).

Miscellaneous

19 Finance

- The following are to be paid out of money provided by Parliament –* 5
- (a) *any expenditure incurred by any Minister of the Crown under this Act;*
 - (b) *any increase attributable to this Act in the sums payable out of money so provided under any other enactment.*

20 Interpretation

- In this Act – 10
- “a benefit” means –
- (a) the loan of a cultural object for a specified period to the museum or gallery in receipt of the benefit for public exhibition, or
 - (b) the provision of any service or information which will assist the museum or gallery in receipt of the benefit with – 15
 - (i) the care and preservation of any object in the collection of the museum or gallery,
 - (ii) the promotion of the public’s enjoyment and understanding of any object in the collection,
 - (iii) the provision of education, instruction and advice relating to any object in the collection, 20
 - (iv) research relating to any object in the collection, or
 - (v) the production and publication of any book, film or other informative material relating to any object in the collection;
- “a claimant” means a person making a claim considered by the Spoliation Advisory Panel; 25
- “cultural object” means any object which is in the collection of a relevant museum or gallery or which is of importance for archaeology, prehistory, history, literature, art or science and which belongs to any of the following categories – 30
- (a) rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;
 - (b) objects relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance; 35
 - (c) products of archaeological excavations (whether regular or clandestine) or of archaeological discoveries;
 - (d) elements of historical monuments or archaeological sites which have been dismembered; 40
 - (e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;
 - (f) objects of ethnological interest;
 - (g) objects of artistic interest which are –
 - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding 45

- industrial designs and manufactured articles decorated by hand);
- (ii) original works of statuary art and sculpture in any material;
- (iii) original engravings, prints and lithographs; 5
- (iv) original artistic assemblages and montages in any material;
- (h) rare manuscripts and incunabula, books more than one hundred years old, documents and publications of special interest (historical, artistic, scientific or literary), singly or in collections; 10
- (i) postage, revenue and similar stamps, singly or in collections;
- (j) archives, including sound, photographic and cinematographic archives;
- (k) articles of furniture and musical instruments more than one hundred years old; 15
- “the effective date” means –
- (a) in respect of an agreement reached by a relevant museum or gallery, the date of the agreement;
- (b) in respect of an agreement reached by the Secretary of State, the date on which the direction relating to the agreement comes into force; 20
- “an exchange of cultural objects” means a process under which –
- (a) a relevant museum or gallery disposes of an object in its collection with the intention of the object being transferred to a museum, gallery or other specified holding place in a country other than the United Kingdom, and 25
- (b) the relevant museum or gallery disposing of an object in accordance with paragraph (a) is receiving a cultural object from the Government of, or a museum, gallery, public institution or person in, the country in which the museum, gallery or other specified holding place receiving the object being transferred in accordance with paragraph (a) is located; 30
- “human remains” means the whole or a part of the bodily remains of a person, other than an artefact made from any bodily material; 35
- “international cultural co-operation” means a process under which –
- (a) a relevant museum or gallery –
- (i) disposes of an object in its collection with the intention of the object being transferred to a museum, gallery or other specified holding place in a country other than the United Kingdom, or 40
- (ii) provides a benefit to a museum or gallery in a country other than the United Kingdom, and
- (b) the relevant museum or gallery –
- (i) disposing of an object in accordance with paragraph (a)(i) is receiving a benefit from a museum, gallery or public institution in the country in which the museum, gallery or other specified holding place receiving the object being transferred in accordance with paragraph (a)(i) is located, or 45
- (ii) providing a benefit in accordance with paragraph (a)(ii) is receiving a cultural object from the Government of, or a 50

- museum, gallery, public institution or person in, the country in which the museum or gallery receiving the benefit in accordance with paragraph (a)(ii) is located, or a benefit from the Government of, or a museum, gallery, public institution or person in, the country in which the museum or gallery receiving the benefit in accordance with paragraph (a)(ii) is located; 5
- “the originating community or its successors” means a community which the Secretary of State or the trustees or board of the relevant museum or gallery consider created the object or is likely to include descendants of those who created the object; 10
- “the relevant community or its successors” means a community which the Secretary of State or the trustees or board of the relevant museum consider is likely to include lineal descendants of the person whose human remains are to be transferred; 15
- “a relevant museum or gallery” means a body specified in section 1;
- “the relevant museum or gallery” means a body specified in section 1 to which an agreement, proposed agreement or proposal relates;
- “specified holding place” means a building or location specified in an agreement; and 20
- “the Spoliation Advisory Panel” means the Panel first appointed by the Secretary of State in April 2000.

21 Short title and commencement

- (1) This Act may be cited as the Museums and Galleries Act 2003.
- (2) This Act shall come into force on 1 December 2003. 25

Museums and Galleries Bill

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To provide for the trustees or board of certain museums and galleries and the Secretary of State to reach agreements relating to the return of objects or human remains, to the exchange of cultural objects or to international cultural co-operation; to enable the Secretary of State to make proposals for agreements and to issue directions in respect of agreements reached by him; to make provision arising from cases in which parties to an agreement in a country other than the United Kingdom are held not to have complied with the terms of an agreement; to provide for relevant museums and galleries to dispose of objects or human remains in their collections in pursuance of agreements or directions; to exempt exports of objects in pursuance of an agreement from cultural export controls; and for connected purposes.

*Presented by Mr Edward O'Hara,
supported by
Tom Cox, Mr Andrew Dismore,
Mrs Jackie Lawrence, Andy Burnham,
Mr Richard Allan and Mr Kevin McNamara.*

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