

**Report on the consideration of the Legislative Consent
Memorandum arising from the Cultural Property (Armed Conflicts)
Bill ('the Bill')**

Committee View

1. The Culture, Welsh Language and Communications Committee considered the Memorandum on 14 July 2016. The Committee is content with the Memorandum. Further background to the Bill and provisions for which consent are sought is below.

The Bill

2. The Cultural Property (Armed Conflicts) Bill (the "Bill") was introduced in the House of Lords on 19 May 2016 and is sponsored by the Department for Culture, Media and Sport.
3. The Legislative Consent Memorandum (LCM), to which this note refers, was laid on 16 June 2016 by Ken Skates, Cabinet Secretary for Economy and Infrastructure. The Welsh Government provided a summary of the Bill's key provisions in that Legislative Consent Memorandum.
4. As stated in the LCM, the Bill makes provision to introduce a number of measures that would enable the UK to implement the Hague Convention and its two Protocols as follows:
 - Introduction of offences designed to protect cultural property in the event of an armed conflict at home and abroad. These include an offence of making such property the object of attack.
 - Introduction of the Blue Shield as an emblem that signifies cultural property protected under the Hague Convention and its two Protocols.
 - Introduction of an offence of dealing in cultural property that has been illegally exported from occupied territory and a provision for such property to be seized and returned to the occupied territory after the close of hostilities, where appropriate.
 - Introduction of immunity from seizure for cultural property in the UK which is being transported for safekeeping during a conflict between two or more other states.
5. Standing Order 29 provides that the Welsh Ministers must lay a Legislative Consent Memorandum where a UK Bill makes provision in relation to Wales:

"(i) for any purpose within the legislative competence of the Assembly (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the competence of the Assembly); or

(ii) which modifies the legislative competence of the Assembly”.

Provisions for which consent is sought

6. The consent of the Assembly is sought to Parts 2, 3 and 5 of the Bill.
7. The Committee agreed that Welsh Government’s Legislative Consent Memorandum is correct in its description of the effect of these clauses. The Committee noted the Welsh Government’s assessment that there are no financial implications for the Welsh Government if the National Assembly for Wales consents to the provisions applying to Wales.

Legislative competence

8. Parts 2, 3 and 5 of the Bill relate to “Ancient Monuments and Historic Buildings” and “Culture” which are, respectively, headings 2 and 3 in Part 1 of Schedule 7 to the Government of Wales Act 2006.
9. The Committee agree with the Welsh Government’s assessment that Parts 2, 3 and 5 of the Bill fall within the legislative competence of the National Assembly for Wales.

Culture, Welsh Language and Communications Committee

September 2016