



NOTE VERBALE 319

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR).

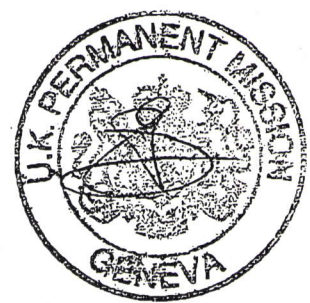
The Permanent Mission refers to the letter and questionnaire on the recognition, access and protection of cultural heritage, elaborated by the Independent Expert in the field of cultural rights, Ms Farida Shaheed, pursuant to Human Rights Council Resolution 10/23 of 26 March 2009.

As requested, the attachment contains a summary of policies and numerous electronic links for further reference.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

**UNITED KINGDOM MISSION
GENEVA**

10 December 2010



OHCHR REGISTRY

13 DEC. 2010

Recipients :.....**SPD**.....
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Letter from the Independent Expert in the Field of Cultural Rights: Response from the United Kingdom of Great Britain and Northern Ireland

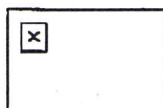
UK Cultural Heritage

Protection

Statutory protection is afforded to heritage assets through their designation within the following categories:

Scheduled monuments

The UK Government is party to the European Convention on the Protection of the Archaeological Heritage (the 'Valetta Convention'). This obliges States to institute a



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legal system for the protection of archaeological heritage, on land and under water. The UK has had legislation in place to protect heritage assets with archaeological interest since 1882. In England, our policy is that a representative sample of nationally important archaeological sites should be afforded protection under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (the '1979 Act'). The Act places a duty on the Secretary of State for Culture, Media and Sport to compile and maintain a schedule of 'monuments'. Once included in the schedule, a monument (together with land in or on which it is situated, plus any land essential for its support and preservation) has legal protection. The inclusion of monuments in the schedule (or their removal from it) is at the discretion of the Secretary of State, who is required to consult English Heritage.

Listed buildings

Historic buildings are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990 by the Secretary of State for their special architectural or historic interest. Listed status protects a building against unauthorised demolition, alteration or extension. It ensures that its special interest is taken into account when proposals are put forward which affect its character or appearance. Listing decisions are made by the Secretary of State for Culture, Media and Sport, who is required by the Planning Act 1990 to approve a list of buildings of special architectural or historic interest. English Heritage (EH) administers the listing system.

Protected wreck sites

Wreck sites are designated by order under the Protected Wrecks Act 1973 for their historical, architectural or artistic importance. The Act enables protection to be given to sites of wrecked vessels from unauthorised interference on grounds of their archaeological, historical or artistic importance by designating a restricted area around the sites. Prior to doing so, the Secretary of State for Culture, Media and Sport

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seeks advice from English Heritage and the Advisory Committee on Historic Wreck Sites.

Conservation areas

Conservation areas are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990, primarily by local authorities, for their special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. In addition to the normal planning and building controls, there are extra controls, which apply to conservation areas covering demolition, alterations and extensions, advertisements and trees.

Military remains are protected by the Protection of Military Remains Act 1986. The Act provides protection for the wreckage of military aircraft and designated military vessels. The primary reason for designation is to protect as a 'war grave' the last resting place of UK servicemen (or other nationals).

Protection is also afforded to designated and non-designated heritage assets through the terrestrial and marine planning systems, and through the delivery of land / coastal / marine management programmes. Other types of designated heritage assets include:

World Heritage Sites are inscribed by the UNESCO World Heritage Committee. The UK currently has 28 World Heritage Sites. Individual national governments are responsible for nominating sites in their country from a Tentative List of Future Nominations. Following a public consultation, the UK is compiling a new Tentative List of possible nominations for World Heritage Status. We intend to submit the new List to UNESCO in 2011.

Registered parks and gardens are designated by English Heritage under the Historic Buildings and Ancient Monuments Act 1953 for their special historic interest.

Registered battlefields are designated by English Heritage on a non-statutory basis.

Funding for the built heritage and heritage acquisitions

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English Heritage provides grants to help conserve historic places throughout England. These include listed buildings, scheduled monuments and designed landscapes. Places of worship are grant-aided jointly with the Heritage Lottery Fund.

Many grant-aided places are required to open to the public as a condition of their grant. The extent of public access varies from one property to another.

The **National Heritage Memorial Fund** helps to save the most vulnerable parts of the heritage which may be at risk of being sold abroad or being neglected by providing financial assistance towards the acquisition, preservation and maintenance of a wide range of heritage treasures. The NHMF is therefore a fund of last resort, being able to act very quickly in emergencies. In contrast, the **Heritage Lottery Fund** is able to provide funding for projects aimed at conserving the heritage with an even greater emphasis on improved access, learning and engagement.

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The Coroners and Justice Act 2009 was passed in November 2009. It includes measures to reform the **Treasure** investigation system by removing the jurisdiction from local coroners and passing cases to a national Coroner for Treasure. The Act also amends the Treasure Act 1996 by introducing a duty on a person who acquires (buys, inherits or is given) an object which they believe to be treasure to report it to the Coroner for Treasure.

The Government introduced in 2003 the **Dealing in Cultural Objects** (Offences) Act 2003. Under the Act, it became an offence for any person to dishonestly deal in a cultural object that is tainted, knowing or believing that the object is tainted. This complements the UK's obligations under the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import,

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Export and Transfer of Ownership of Cultural Property, which the UK ratified in 2002. The Return of Cultural Objects Regulations 1994 has implemented the UK's obligations under Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State of the EU. It confers a right of action on a member state to recover cultural objects unlawfully removed from its territory.

Anyone who wants to export cultural objects which are over 50 years old and above specified financial thresholds out of the UK, whether on a permanent or temporary basis, must apply for an individual Export Licence. **The Reviewing Committee on the Export of Works of Art & Objects of Cultural Interest** advises DCMS Ministers on whether cultural objects that people wish to export are national treasures. When DCMS Ministers decide that objects are national treasures, they will normally delay their decision on whether or not to grant an export licence in order to allow UK buyers time to raise the money to purchase the objects.

The **Acceptance in Lieu** scheme allows people to offer items of cultural and historical importance to the State in full or part payment of their inheritance tax, capital transfer tax or estate duty. The Scheme is currently the most important means of acquiring important works of art and cultural objects for public ownership. Once accepted, they are distributed to museums, galleries and public archival depositories throughout the UK.

Access

Since 2001 the UK Government provides **free admission** to its national funded museums and galleries. The decision on whether or not to charge for admission rests with the Board of Trustees of each institution. The Government has helped to make the national museums which previously charged for admission free, through a combination of

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compensation for loss of income from charging additional grant in aid and changes to the rules on VAT.

In 2005, the free access policy was extended to university museums and galleries allowing them to reclaim their VAT because they provide regular free admission to the public. University museums are not compensated for loss of earnings.

The Ancient Monuments and Archaeological Areas Act 1979 includes provisions relating to **public access to monuments** (whether scheduled or not) under the ownership or guardianship of the Secretary of State, English Heritage or a local authority.

For further information on access to the cultural heritage see the following links:

<http://www.english-heritage.org.uk/discover/people-and-places/>

http://www.mla.gov.uk/what/policy_development/equality_diversity

Further information on both protection and access can also be found in the Government's Statement on the Historic Environment 2010:

http://webarchive.nationalarchives.gov.uk/http://www.culture.gov.uk/reference_library/publications/6763.aspx

And on the DCMS website:

[http://www.culture.gov.uk/what we do/historic_environment/default.aspx](http://www.culture.gov.uk/what_we_do/historic_environment/default.aspx)

Review mechanisms

UK legislation on the protection of cultural heritage is subject to periodic review. Other review mechanisms include the annual reviews of heritage statistics "Heritage Counts" produced on behalf of the sector by English Heritage, and the evaluation of targets agreed between DCMS and the cultural heritage bodies we sponsor, within funding agreements.