

# Legal Developments

## Dealing in Cultural Objects (Offences) Act 2003

**A**t the very end of 2003 a new piece of legislation slipped, apparently unnoticed by the world at large, onto the statute books. The Dealing in Cultural Objects (Offences) Act 2003 introduces a new offence of ‘dishonestly dealing with a “tainted” cultural object knowing or believing it to be tainted’. A ‘cultural object’ is ‘an object of cultural, architectural or archaeological interest’. Such an object is ‘tainted’ if it was removed unlawfully after 30 December 2003. This would cover:

- objects which are either fixtures or objects forming part of the land and in the curtilage of a listed building removed without listed building consent
- objects found using a metal detector and removed from a protected place under the Ancient Monuments and Archaeological Areas Act 1979.

The maximum penalties for the offence are:

- on summary conviction 6 months prison and/or £20,000 fine
- on conviction on indictment 7 years prison and/or unlimited fine.

### The implications for architectural theft

Architectural theft is an increasing problem and this Act should provide a useful additional weapon in the armoury of those seeking to prevent it. In particular, it allows dealers in cultural objects to be targeted and provides for penalties that certainly ought to provide a deterrent to anyone tempted to handle such objects!

However, the Act seems to have been little used in its first 18 months of operation with no reported cases I have been able to identify. (If any readers have experience of bringing cases under the 2003 Act I would be very interested to hear from them.)

But there are things local authorities and

others can do short of prosecution which might act as a deterrent. For example, it seems to me that local authorities could usefully prepare and circulate to potential dealers lists of tainted items known to have been removed from listed buildings in their area. Should such an object then be offered to the dealer, hopefully the dealer will refuse to handle it given that he is fixed with notice that it is tainted. Perhaps a national list could be organised?

I’m sure practitioners will want to make best use of the opportunity the Act presents to reduce architectural theft.

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A vandalised fireplace in Brunswick House, a late 18th-century Grade II\* Building at Risk in Lambeth, London SW8, which is now in the process of rescue and repair.