

## **SPOILIATION ADVISORY PANEL RULES OF PROCEDURE**

### **Procedure for making and responding to a claim**

1. Any claimant who wishes the Panel to consider his or her claim shall deliver such claim in writing to the Panel ("the Claimant's statement of case") including copies of all witness statements and/or documentary evidence relied upon. The Secretariat shall forthwith send a copy of the Claimant's statement of case to the institution concerned together with the accompanying witness statements and documents.
2. The Institution shall deliver its reply in writing to the Panel ("the Institution's statement of case") including copies of all witness statements and/or documentary evidence relied upon, within 6 weeks of its receipt of the Claimant, together with the accompanying witness statements and documents.
3. The Claimant and Institution may, but only subject to the leave of the Chairman:-
  - (a) deliver supplementary written statements of case, and/or copies of further witness statements and/or documentary evidence to the Panel; and
  - (b) request further particulars of the opposite party's statement of case and where such leave is granted, may deliver the additional material to the Panel for despatch by the Panel's Secretariat to the opposite party, subject to any time limits prescribed by the Chairman.
4. The Panel may of its own motion require clarification of either party's statement of case, and /or the provision of supplementary witness statements, or documents (if available) and/or authentication of documents. The Panel may also direct the swearing of affidavits, verifying witness statements and /or authenticating any documents. Any material furnished under this rule shall be circulated to all parties.
5. Subject to the leave of the Chairman, the Claimant, the Institution and any other party which has information relating to a claim shall treat such information as strictly confidential and safe guard it accordingly. "Information relating to a claim" includes, but is not limited to, the existence of a claim, all correspondence, statements of case, witness statements, documentary evidence , all oral and written submissions, oral evidence and transcripts of hearings relating to a claim

### **Procedures for disposal of claims**

6. The Panel may, in its discretion after consultation with the parties:-
  - (a) dispose of the case, on the basis of written material furnished by the parties, or
  - (b) direct an oral hearing, for which the quorum shall be 5 members of the Panel, including the Chairman.

7. Where the Panel directs and oral hearing, the Panel shall notify the parties. Such notification shall:

- (a) propose a date for the hearing, which will normally be not less than 6 weeks subsequently, and a location for it which will normally be London;
- (b) Indicate that any request for a different date of location must be made in writing to the Panel within such reasonable time as the Panel may specify in the notification;
- (c) specify the witnesses from whom the Panel wish to hear oral evidence, and/or the issues on which the Panel wish to hear oral submissions, and
- (d) ask what languages are spoken by any claimant and by any witness giving oral evidence, and direct where appropriate the attendance of an interpreter.

8. The hearing shall be limited to one day for the Claimant and the Institution respectively, subject to an extension only if the Chairman grants leave, which must be sought in writing form him not less that 3 weeks before the hearing date.

9. Hearings will normally be conducted in private, and in English, and witnesses will normally be required to testify under oath.

10. Any party wishing to cross-examine an opposite party's witness must apply in writing to the Chairman for leave so to do not less than 3 weeks before the hearing date.

11. The Claimant and the Institution may be represented or assisted at a hearing, at their own expense, by any person or persons of their choice up to a maximum of 5, including counsel, solicitors, or representatives of a voluntary organisation.

12. The Panel will perform its functions and conduct its proceedings in strictest confidence. The Panel's "proceedings" include all its dealings in respect of a claim, whether written, such as in correspondence, or oral, such as at meetings and /or hearings.

13. Subject to the leave of the Chairman, the Panel shall treat all information relating to a claim as strictly confidential and safeguard it accordingly save that (a) such information which is submitted to the Panel by a party/parties to the proceedings shall normally be provided to the other party/parties to the proceedings in question; and (b) such information may, in appropriate circumstances, including having obtained a confidentiality undertaking if necessary, be communicated to third parties. "Information relating to a claim" includes, but is not limited to the existence of a claim, all oral and written submissions, oral evidence and transcriptions of hearings relating to a claim.

14. Any matters of procedure not prescribed by these rules shall be decided by the Chairman, who shall also have the power to extend or abridge the time limits laid down in these rules.

**Administrative Procedure**

15. All submissions and correspondence to the Panel should be sent to:-

The Spoliation Advisory Panel Secretariat  
International and Cultural Property Unit  
Department for Culture, Media and Sport  
2-4 Cockspur Street  
London SW1Y 5DH  
Tel: +44 (0)20 7211 6158  
e-mail: [mark.caldon@culture.gov.uk](mailto:mark.caldon@culture.gov.uk)