



department for
culture, media
and sport

Export of Objects of Cultural Interest

2009/10



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2009/10

1 May 2009 – 30 April 2010

Presented to Parliament pursuant to Section 10 (1)(a) of the Export Control Act 2002

Cover image: A painting by Domenichino, *Saint John the Evangelist*, c. 1620

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Export of Objects of Cultural Interest

2009/10

1 May 2009 – 30 April 2010

- I Report of the Secretary of State

- II Report of the Reviewing Committee
on the Export of Works of Art and
Objects of Cultural Interest

Annual report to Parliament

By the Secretary of State for Culture, Olympics, Media and Sport

The Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

I am pleased to lay before Parliament the sixth annual report on the operation of the export controls on objects of cultural interest, as required by section 10(1) (a) of the Export Control Act 2002 (the 2002 Act). The report covers the period 1 May 2009 to 30 April 2010.

This is the 56th year that the Government of the day has published the Annual Report of the Reviewing Committee and I wish to express my personal support for the work that the Committee undertakes with so much care, in order to consider all the cases that are put before them with the benefit of the expertise displayed by our expert advisers. We are indebted to them and to all the members, who give so much of their own time and expertise to considering each of these cases and in particular to the astute chairmanship of Lord Inglewood.

I am also pleased to endorse the value of the Committee's role in providing a safety net that offers a window of opportunity to save for the nation the most important cultural objects that come before them, through our export licensing process. I am impressed by the way this operates evenhandedly, maintaining a fine balance between the protection of our heritage, the encouragement of a free market in cultural objects and the protection of the rights of owners. Obviously at a time of national belt-tightening, it has not proven possible to save everything that the Committee considers to be of importance according to the well tried and tested Waverley Criteria and the figures speak for themselves. But it is remarkable how much has been achieved and it is a tribute to the Committee that, in spite of harsh economic realities and the persistently high prices obtained in the free market for objects of the highest quality, this year has nevertheless seen iconic objects worth over £10 million saved for collections throughout the UK.

I was delighted to learn of the Hardy papers which have been purchased by Dorset County Museum; that the Eglinton Tournament watercolours recording that unique historical event have gone to Dean Castle in Kilmarnock; and that the Walker archive has been saved by the British Library. The highly elegiac Dyce landscape depicting the two knitters has been purchased by the National Museum of Wales and I am especially pleased to note that this year there was a "Ridley" purchase¹ of the magnificent Domenichino portrait of St John the Evangelist whereby the very generous purchaser will enable the painting to be on display at the National Gallery for eighteen months in every five years. I would like to place on record the Government's appreciation of the generosity of such private purchasers in enabling such a precious object to remain in this country.

The Committee has rightly drawn attention to those objects which have departed these shores, despite my predecessor's temporary deferral of an export licence on their recommendation. Each of the six objects which were exported is a loss to the nation, and it is particularly regrettable that three starred items were exported. I will be monitoring such cases closely in future and, in this context, I am pleased to note our decision to increase HLF's share of the Lottery proceeds from 16.66% of the Lottery now to 18% in 2011 and 20% in 2012.

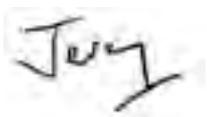
The Committee has drawn my attention to perceived shortcomings in the tax system, and have also expressed their support for greater encouragement for cultural philanthropy as a means by which to support acquisitions by public collections.

I believe there is scope to boost cultural philanthropy over the next few years and beyond. The first step towards that is to recognise properly those who already give, and I want to record my appreciation of the huge numbers of people who give so generously to support cultural activity and the protection of our national heritage. They have set a standard to which all of us should aspire, and I want to

build on those foundations to encourage a step change in giving to culture across society. Government cannot do this alone, but we will work with a broad range of partners to promote private giving for the public good. This will not be easy, but it will be worthwhile and, if we get it right, our collective legacy will be to have exercised effective stewardship of our cultural heritage for the benefit of generations yet to come.

The tax system is the prerogative of the Chancellor of the Exchequer, but I shall draw his attention to the enduring success of the Acceptance in Lieu scheme, which has continued to ensure that an exceptional range of pre-eminent objects have been taken into public ownership. In its centenary year, the scheme continues to be a vital means of supporting acquisitions, and I hope it will continue to flourish.

Finally, I wish to record my gratitude to all those organisations and individuals highlighted in the Reviewing Committee's report, who have given so generously towards the objects that were saved. It is their commitment, together with the continuing enthusiasm and commitment of world class experts in museums, and the many volunteers and supporters across the country which deserves our profound thanks and appreciation.



Jeremy Hunt

Secretary of State for Culture, Olympics, Media and Sport

¹ A procedure introduced in 1990 by the then Secretary of State Nicholas Ridley and subsequently modified, whereby the offer from a private purchaser, at a matching price, will be taken into account when considering whether or not to grant an export licence provided that the potential purchaser undertakes with a public institution that they will: (i) guarantee reasonable public access to the object; (ii) conserve and maintain the object satisfactorily; and (iii) not sell the object for a specified period.

Operation of the Control

The following figures cover the period of this report (1 May 2009 – 30 April 2010).

| | 1 May 2009 – 30 April 2010 | 1 May 2008 – 30 April 2009 |
|--|---------------------------------------|---------------------------------------|
| (a) Number of applications for individual export licences ¹ | 10,437 | 12,015 |
| (b) Number of above applications which were for manuscripts, documents or archives | 1,501 | 1,518 |
| (c) Number of items licensed after reference to expert advisers on the question of national importance | 20,713 | 23,123 |
| (d) Total value of items in (c) | £1,183,937,807 | £1,279,318,431 |
| (e) Number of Open Individual Export Licences in operation having been issued in previous years to regular exporters for the export of (i) manuscripts, documents, archives and photographic positives and negatives; (ii) objects imported into the UK in the past 50 years; (iii) UK origin coins; (iv) for the temporary export of a Rolls Royce; (v) for the temporary export of objects in soil samples from archaeological sites in Northern Ireland; (vi) for the temporary export of objects owned or under the control of national institutions or institutions holding designated collections | 91 | 91 |
| (f) Number of items licensed for permanent export after the Export Licensing Unit was satisfied of import into the UK within the past 50 years | 10,770 | 12,726 |
| (g) Total value of items in (f) | £7,194,621,875 | £7,410,302,718 |
| (h) Number of items in (f) which were manuscripts, documents or archives | 1,587 | 2,245 |
| (i) Total value of items in (h) | £69,196,794 | £123,000,424 |
| (j) Number of items given an EU licence without reference to the question of national importance because they were either: valued at below the appropriate UK monetary limit ² ; owned by a museum or gallery that has an Open Individual Export Licence (OIEL); manuscripts valued at £1,500 or less or coins valued at £500 or less and the exporter holds a valid OIEL; musical instruments exported for less than three months for use in the course of work by a professional musician; a motor vehicle exported for less than three months for social, domestic or pleasure purposes; a foreign registered motor vehicle exported following importation for less than three months for pleasure purposes; imported into the UK in the last 50 years and being exported on a temporary basis | 4,146 | 3,701 |
| (k) Total value of items in (j) ² | £814,289,270 | £3,837,586,801 |

¹ One application may cover several items.

² In some cases an EU export licence may be required to export items that are valued below the relevant UK monetary limit. In such cases an EU licence will normally be given without referring the licence application to the expert adviser on the question of national importance.



Report of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

1 May 2009 – 30 April 2010

To:
Rt Hon Jeremy Hunt MP
Secretary of State for Culture, Olympics, Media and Sport

56th Report of the
Reviewing Committee

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

Members of the Committee 2009/10

Lord Inglewood (Chairman)
Professor David Ekserdjian
Ms Philippa Glanville (from April 2010)
Mr Johnny Van Haeften
Mr Simon Swynfen Jervis
Dr Catherine Johns
Mr Tim Knox (until March 2010)
Professor Pamela Robertson
Dr Christopher Wright

Secretary

Ms Frances Wilson
Mr Sean BC Farran (incoming May 2010)

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A register of interests held by Committee members is posted on the Museums, Libraries and Archive Council's website: www.mla.gov.uk

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Reviewing Committee Report for 2009/10

1 May 2009 – 30 April 2010

Introduction

History and operation of the export control system

A history of export controls in the UK and a description of current export controls and the operation of the Reviewing Committee are included at Appendix A. The terms of reference of the Reviewing Committee are included at Appendix B.

Committee members, expert advisers, independent assessors and the administration of the system

During the 2009/10 reporting year (up until the end of April 2010) there was one change of membership. Tim Knox's term of appointment expired on 13 March 2010. The other members of the Committee would like to thank him for his valuable contribution to their work over the past eight years. Philippa Glanville was appointed for a four-year period to take his place as an expert with special knowledge of the history of collections. A full list of members can be found at the beginning of this report and brief biographies are included at Appendix C.

The Committee would like to thank the expert advisers for all their work in examining objects in licence applications against the Waverley criteria, preparing submissions on the cases that they refer to us and subsequently championing, at the Secretary of State's request, deferred items in search of potential purchasers. We are grateful for the very considerable time and effort they put into fulfilling this role, which is essential to the smooth running of our system of export control. The quality of their expertise and commitment is of the highest order.

We would like to emphasise that expert advisers should not be reluctant to refer items to the Committee even though it seems unlikely that funds would be available for their purchase. After all, nobody can be sure about this. Nor should advisers feel discouraged when they object to the export of an object which the Committee subsequently finds not to meet the Waverley criteria. Expert advisers play a crucial role in ensuring that items of potentially Waverley standard come before the Committee, because we need to form an overall view of which outstanding cultural objects are leaving the country.

The Committee would also like to express its gratitude to the independent assessors who join the Committee for consideration of each case. Their expertise and advice play a vital role in our work. A list of independent assessors who attended meetings during 2009/10 is included at Appendix D.

In addition, the Committee would also like to thank all those in the Export Licensing Unit in MLA, in DCMS and elsewhere, who administer the system. Its effective operation could not be delivered without them.

Observations on the working of the system of Export Control

As well as considering individual cases, the Committee also has a wider, and equally important, remit to keep a watching brief over the workings of the export control system and to advise the Secretary of State.

Committee's recommendations for aiding acquisitions

As in previous years, we repeat our call for change to the tax system. While welcoming the "douceur" mechanism which encourages owners to sell to UK institutions through private treaty sales rather than on the open market and its extension since April 2009 to Corporation Tax on companies' chargeable gains, we would like to see it reviewed, so that it could act as a more effective encouragement to both buyers and sellers. In particular, we believe that it should be extended to all cases where tax might be offset through transferring ownership of a cultural object to the nation.

We would also urge Ministers to keep the NHMF's grant-in-aid to its current level of £10m – now much reduced, not only in monetary terms but even more so in real terms as a result of inflation notably in respect of pre-eminent works of art.

Encouraging philanthropy

In September 2009 the Mayor of London exhorted workers in the City of London to donate their bonus payments to the arts. He warned against cuts in arts funding, after a survey by Arts & Business had revealed a decline in business investment in the arts over the previous year. Mr. Johnson

urged city workers who received taxpayer-funded bonuses to "give in a very public way". We too believe that more should be done to bring about cultural philanthropy in this country, as we know is the ambition of all three of the major political parties.

Wider economic context

It is worth looking back at how the art market has been and continues to be affected by the recession. While average prices in all sectors of the market fell, the old master market was much less affected and exceptional pieces continued to achieve outstanding prices. However, it is recognised both that there is a limited pot to fund acquisitions and that there is still a market willing to pay high prices for the finest objects. An emphasis must be placed on the ability of museums and cultural institutions to compete in the international market. Innovative ways to facilitate this must be encouraged. "Ridley" purchases, such as that of the acquisition this year of Domenichino's *St John the Evangelist*, now on loan at the National Gallery, provide an alternative means for museums to acquire objects of the highest calibre. "Ridley" purchases by a private owner, who undertakes to ensure that the object remains in the UK, are, at present, the exception and not the rule, and with the stringencies imposed by the latest Comprehensive Spending Review, such alternative means of funding need to be explored further if UK institutions are to be active players on the international art market.

Cases where an item is purchased at a higher price after being export-stopped

Regrettably, we are aware that on occasion, items which have come before the Reviewing Committee and been export-deferred and then purchased by a public body had previously been offered for sale at a lower price. Although we understand that an institution may find it easier to raise funds to purchase an item once it has been declared a national treasure, by being export-deferred by the Secretary of State, we wish to emphasise that the export control system is a system of last resort. In order to avoid any potential waste of public money, UK purchasers should make every effort to acquire items before they reach the stage of export-deferral.

Temporary licences

In our last report we wrote that a previous Secretary of State had agreed that our proposals regarding changes to the procedures for temporary export licence applications should be implemented, and that we were giving further thought to these proposals before taking any steps towards implementation.

We are in the process of deliberating the matter and will be submitting a paper to the Secretary of State for his consideration.

Three months' notice of sale

Since 1982 H M Revenue & Customs has routinely requested owners of works of art, when it granted exemption from capital taxation to give the Museums, Libraries and Archives Council (MLA) three months' notice of an intention to sell them. If the MLA has not been given three months' notice of an intention to sell, a conditionally exempt object for which an export licence is sought and which has been objected to by an Expert Adviser, the applicant will be advised of the need to fulfil the three months' notice condition before the application is heard by the Reviewing Committee.

Relocation of the RCEWA Secretariat

At the beginning of 2010/11 the posts of the RCEWA Secretary and Assistant Secretary were relocated from London to Birmingham. The Committee regrets the decision to relocate these posts, which was made by the Museums, Libraries and Archives Council.

Additional Sources of Funding for Acquisitions

Museums, libraries and archives, regrettably, have very limited acquisition funds. So we are extremely grateful, as always, for the external funding provided towards the purchase of items placed under deferral by the Secretary of State as a result of recommendations we have made. The main sources of funding are listed below, and the tables at Appendix G give further details of the funding received for export-deferred items.

i) The National Heritage Memorial Fund

The National Heritage Memorial Fund (NHMF) was set up under the National Heritage Act 1980 in memory of the people who gave their lives for the UK. Its purpose is to act as a fund of last resort to provide financial assistance towards the acquisition, preservation and maintenance of land, buildings, works of art and other objects which are of outstanding importance to the national heritage and are under threat. The Government increased the NHMF's grant-in-aid from £2m in 1997/98 to £5m in 2001/02 and maintained it at that level until 2006. In 2007/08 the government doubled the NHMF grant-in-aid to £10m. In March 2010 it was announced that the budget for 2010/11 would be reduced to £5m, but this was closely followed by a further announcement that the budget for 2009/10 was being increased by £5m to be used in 2010/11 to offset this, bringing the total back to £10m.

In 2009/10 the NHMF paid £3m of the grant-in-aid that it receives back into the endowment fund to begin to rebuild it. After making a staged payment for the acquisition of Titian's *Diana and Actaeon* in April 2009, it was left with just £4m to defend the most outstanding parts of our national heritage in 2009/10.

In 2009/10 the NHMF contributed £1,285,000 to support Birmingham Museum and Art Gallery and the Potteries Museum and Art Gallery in the purchase of the Staffordshire Hoard, and £550,142 towards Cambridge University Library's purchase of the Siegfried Sassoon Archive. Other significant NHMF grants included the Iris Murdoch and Raymond Queneau letters for Kingston University and the Motor Gunboat 81 and High Speed Launch 102 for Portsmouth Naval Base Trust.

ii) The Heritage Lottery Fund

The Heritage Lottery Fund (HLF) distributes lottery proceeds that go towards the 'Heritage Good Cause'. Its priorities, at national, regional and local levels, include conservation and enhancement, encouragement to more people to be involved, and making sure that everyone can learn about, have access to, and enjoy their heritage.

In March 2010 the HLF's budget was increased by £25m per annum until 2018. This raises it from £180m to £205m for projects aimed at preserving and making accessible the nation's heritage. HLF is prepared to make grants of up to 90 per cent of the total cost for grants up to £1m. For larger requests of over £1m applicants are expected to provide 25 per cent of the total costs.

The table below and the graph on the opposite page set out the figures for the NHMF's and HLF's commitments to acquisitions over the past 10 years, including grants awarded for the acquisition of manuscript and archival material.

Under HLF's new strategic plan, some of the awards are Round One passes, subject to a further Round Two application, rather than the total grant award for the project. This has resulted in the acquisitions figure for 2009/10 being lower than previous years, when the grant for any acquisition was the total grant. In 2009/10 HLF awarded a Round One grant to the Dean Heritage Centre in Gloucestershire towards the purchase of Dennis Potter's written archive.

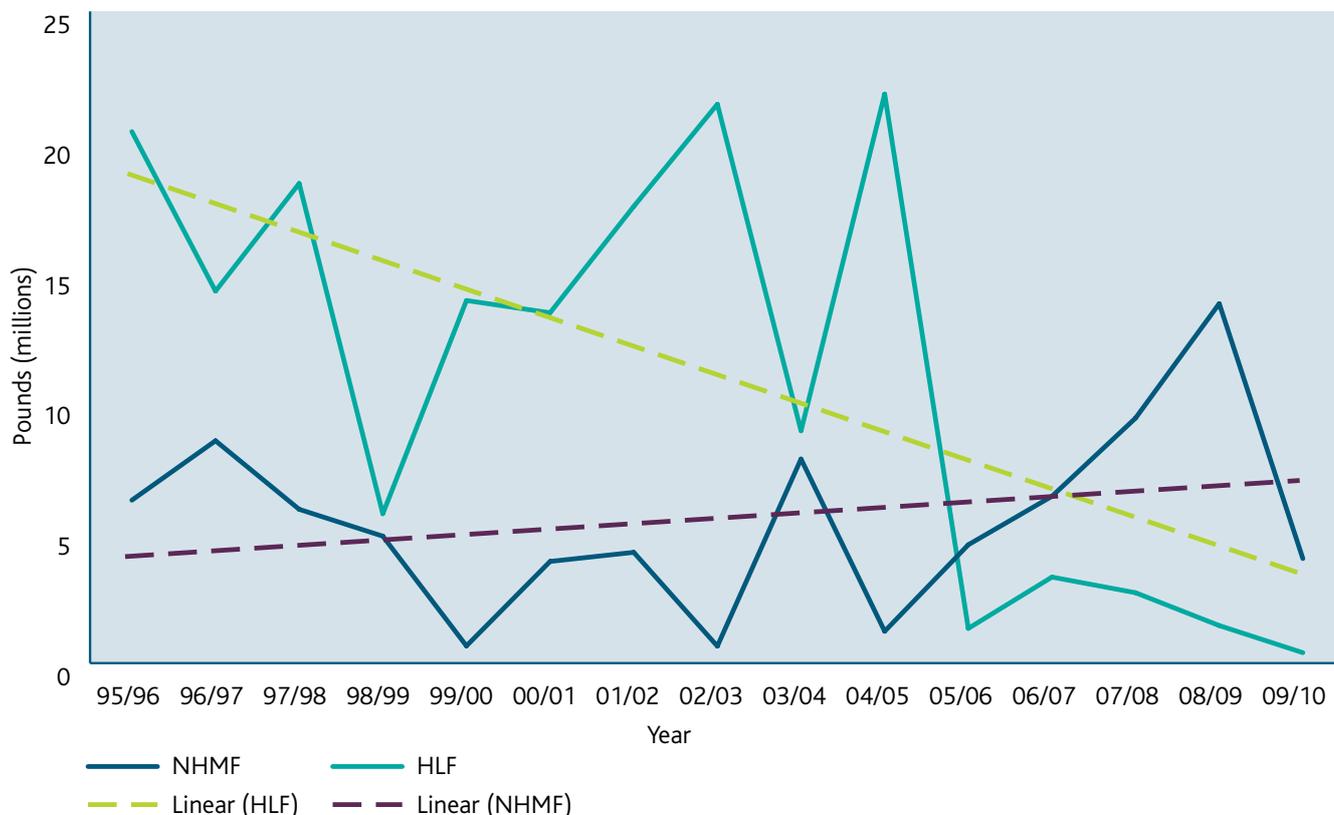
In addition, HLF has allocated over £3m for 22 projects lasting up to five years under its Collecting Cultures initiative. This money was allocated in 2008/9 but acquisitions will continue to be made for the five year length of the project. This supports the strategic development of museum collections, not just funding for purchases, but also for staff development and public engagement with collections.

iii) The Art Fund

The Art Fund is a membership charity that believes great art should be for everyone to enjoy. It campaigns, fundraises and gives money to museums and galleries to help them buy works of art. Funding comes from subscriptions and donations from members and supporters; it receives no funding from government or the Lottery. In 2009/10 The Art Fund contributed £433,627 to help secure five export-stopped items for the nation, including £125,000 towards the V&A's purchase of a pair of Warwick Castle stools, £102,527 towards the V&A, Bowes Museum and Fashion Museum's purchase of Vionnet evening dresses, and £32,100 to help the purchase by East Ayrshire Council of the Eglinton watercolours for Dean Castle in Kilmarnock.

| Year | NHMF (£ millions) | HLF (museums/galleries) (£ millions) | HLF (manuscripts/archives) (£ millions) | Total (£ millions) |
|---------|----------------------|--|---|-----------------------|
| 2000/01 | 3.90 | 8.02 | 5.42 | 17.33 |
| 2001/02 | 4.25 | 14.92 | 2.60 | 21.77 |
| 2002/03 | 0.65 | 19.29 | 2.15 | 22.09 |
| 2003/04 | 7.83 | 5.59 | 3.32 | 16.74 |
| 2004/05 | 1.22 | 1.18 | 20.65 | 23.05 |
| 2005/06 | 4.54 | 1.19 | 0.14 | 5.87 |
| 2006/07 | 6.40 | 2.10 | 1.20 | 9.70 |
| 2007/08 | 9.40 | 1.10 | 1.60 | 12.10 |
| 2008/09 | 13.79 | 1.12 | 0.32 | 15.23 |
| 2009/10 | 4.01 | 0.36 | 0.04 | 4.41 |

NHMF and HLF spend on acquisitions 1995/96 to 2009/10



iv) The MLA/V&A Purchase Grant Fund

The MLA/V&A Purchase Grant Fund assists the purchase of objects costing less than £300,000 for the collections of non-national museums, galleries, specialist libraries and record offices in England and Wales. In 2009/10, it paid 161 grants totalling £875,683. During the period of this report, two items which had been placed under deferral following a recommendation of the Reviewing Committee, came within its remit. The Fund contributed £17,000 towards the purchase by Dorset County Museum of a collection of papers, model scenery and ephemera relating to the staging of Thomas Hardy's works by the Hardy Players, and £45,000 toward Norfolk Record Office's purchase of The Harbord of Gunton Archive.

The Purchase Grant Fund is always greatly oversubscribed and it is regrettable that its budget, which from 1995 to 2008 was £1m was reduced to £900,000 by MLA in 2009/10.

v) The National Fund for Acquisitions

The National Fund for Acquisitions (NFA), provided by Scottish Government to the Trustees of National Museums Scotland, contributes towards the acquisition of objects for the collections of museums, galleries, libraries and archives across Scotland. The NFA can help with acquisitions in most collecting areas including objects relating to the arts, literature, history, natural sciences, technology, industry

and medicine. Users of NFA face ever increasing challenges in their efforts to raise adequate funding for acquisitions. The NFA has been static at £200,000 since 1996, a sum which has declined considerably in real terms and which is inadequate to meet the number and variety of applications received. In 2009/10, the NFA made 83 awards totalling £230,783 to 32 organisations. This included one export-stopped item: a set of 20 watercolours depicting the 1839 Eglinton Tournament. The NFA contributed £15,000 towards their purchase by East Ayrshire Council.

vii) The Acceptance in Lieu Scheme

The Acceptance in Lieu Scheme enables historically important buildings, pre-eminent works of art and archives, and those that make a significant contribution to buildings in which they are housed, to become public property so that they are secured for the enjoyment and inspiration of all both now and in the future. It is fitting that in 2010, the year that marks the scheme's centenary, it secured the transfer into public ownership of the great Vanbrugh house of Seaton Delaval which is now in the custody of the National Trust. This includes over 80 acres of the surrounding gardens, park and land and the principal contents, totalling almost 200 items of furniture, sculpture, paintings and ceramics, which must rank as one of the most important acquisitions of the last few decades. In addition, another 32 cases were completed. In total it ensured that

just short of £16m worth of important objects and archives have entered public collections. The items accepted included: important works by Jan Lievens, Sir Peter Lely, Adam de Colone, Marcellus Laroon, Francis Grant, Edgar Degas, Mark Gertler, Chaim Soutine, Graham Sutherland and Euan Uglow; seven paintings by artists from the Camden Town Group (Walter Sickert, Charles Ginner and Spencer Frederick Gore); a collection of 20th-century photographs including works by Dorothea Lange, Irving Penn and Robert Mapplethorpe and a large collection of works by the major 20th-century British sculptor Bernard Meadows. Four archives were accepted, including the papers of Dollie and Ernest Radford, both leading figures in the late-Victorian world of art and literature with the former being one of the principle organisers of the Arts and Craft Movement. Also accepted was an extensive collection of printed books from the Essex House Press which sought a return to craftsmanship, co-operation and a meaningful engagement with work which its founder, C. R. Ashbee (1863-1942), believed to have been lost during the process of industrialisation. The scheme is administered by the MLA and full details can be found on the MLA website at: www.mla.gov.uk/what/cultural/tax/acceptance_in_lieu

viii) Private Treaty Sales

If a heritage object is sold on the open market, the vendor may be liable to Capital Gains Tax, Corporation Tax and Inheritance Tax. However, these tax charges are not incurred if an owner sells an item which has previously been granted conditional exemption from Inheritance Tax or Capital Gains Tax, or an item which is adjudged to be pre-eminent, by Private Treaty to a body (e.g. a museum or gallery) listed under Schedule 3 of the Inheritance Tax Act 1984. This is an attractive tax exemption because, by administrative arrangement, benefits are shared. The vendor receives the amount that they would have received at the agreed market value, net after tax, but also receives a *douceur* (usually 25 per cent) of the tax that would have been chargeable. The purchaser normally pays what would have been paid under normal arrangements, less a proportion of the tax (usually 75 per cent) that would have been chargeable. The rate of *douceur* is flexible.

Schedule 3 to the Inheritance Tax Act 1984 lists those museums to which vendors can sell "tax-free" and which can thus benefit from the *douceur* arrangement when acquiring works of art that are subject to either Inheritance Tax, Capital Gains Tax or Corporation Tax on sale. Given the number of museums which for various reasons fall outside this list, there are an increasing number of public museums that are not able to benefit from Private Treaty Sales.

We urge both Treasury and HM Revenue & Customs to look

at proposals to ensure that the full range of public collections can benefit from the private treaty sale mechanism.

Advisory Council

Many different branches of art and learning have an interest in the export of cultural objects and all the issues associated with it, as do many different UK institutions. They cannot all be represented on the Reviewing Committee but their knowledge and advice is valuable. The original Waverley Committee therefore recommended the creation of a widely representative Advisory Council, which would meet from time to time, as circumstances might require, to discuss matters of common interest and the operation of the system as a whole. It was envisaged that the Council would advise whether the right standards were being applied to the different categories of objects, as well as enabling institutions, not least provincial ones, and the art trade to make their views known.

Membership of the Council includes the expert advisers (who refer objects to the Committee and are normally appointed by the Secretary of State for Culture, Media and Sport as 'champions' for their retention when the decision on the export licence is deferred), as well as representatives of the institutions seeking to acquire deferred items, of grant-making bodies, of the art trade and of interested associations. (See Appendix H for full details.)

The Advisory Council is normally convened annually and met most recently on 2 June 2010 to consider issues which had arisen during the previous year. The main issue discussed was the move of the Acquisitions, Export and Loans Unit from London to Birmingham and the development of an electronic application system for export licences. There was also a discussion about the importance of encouraging philanthropy and the production of guidance by the MLA on archaeological material. The discussions were followed by two presentations. Joan Winterkorn of Bernard Quaritch Ltd. spoke about the considerations that must be made in regard to the export of archives, and Martin Bailey of The Art Newspaper spoke about his experiences as a journalist of the workings of the RCEWA and the export system. The Council also considered the draft of the Reviewing Committee's Annual Report for 2009/10. Its comments have been fully considered and are reflected in this text.

Manuscripts, Documents and Archives

The Working Party on Manuscripts, Documents and Archives is a Sub-Committee of the Reviewing Committee. Its terms of reference were revised in 2005 and are as follows:

'To consider the present arrangements for the export control of manuscripts, documents and archives, and the sources of funds available (to U.K. institutions) for their acquisition and to make recommendations resulting from this consideration.'

The Working Party usually meets annually, although it may meet more frequently if necessary. It met most recently on 7 May 2010 when it considered the zero threshold for export licences for manuscripts and archives. It was agreed that the matter should be watched and discussed again at next year's meeting. A discussion on the standard for submission of copies of manuscripts in digital format accepted by the British Library continued from the 2009 meeting.

The Working Party then looked at sources of financial help for the acquisition of manuscripts, documents, and archives. Written reports had been submitted by the MLA/V&A Purchase Grant Fund, the MLA PRISM Fund, the Friends of the National Libraries, the Secretary of the Acceptance in Lieu Panel and The National Archives Sales Monitoring Service. The Heritage Lottery Fund and the National Heritage Memorial Fund subsequently provided details of funding towards archival and manuscript material.

i) The MLA/V&A Purchase Grant Fund

During 2009/10 the MLA/V&A Purchase Grant Fund considered 51 cases in respect of manuscript material (19.76 per cent of the number considered on the whole Fund). Despite the 10 per cent budget cut to £900,000 for the whole Fund, 28 grants were paid to support the acquisition of archival material, enabling purchases of over £272,000 to go ahead. The reduction in budget meant that three cases were rejected due to lack of funds, and, from October, applications for items costing more than £60,000 were not accepted.

ii) The MLA PRISM Fund

The MLA PRISM Fund supports the acquisition and conservation of material relating to all fields of the history of science, technology, industry and medicine. During 2009/10 it was able to make two grants for the acquisition of archival or similar material totalling £1,300. One application was unsuccessful after expert advice from TNA recommended not offering a grant.

iii) The Friends of the National Libraries

The Friends assist various institutions primarily by promoting the acquisition of printed books, manuscripts and records of historical, literary, artistic, architectural and musical interest. The Friends made or committed 29 grants to 25 institutions in 2009, totalling £85,041 from the operating fund and £13,000 from the Philip Larkin fund.

iv) The Heritage Lottery Fund and National Heritage Memorial Fund

The Funds made awards for the purchase of archival and manuscript material totalling £886,442 in 2009/10.

v) Acceptance in Lieu

The Acceptance in Lieu scheme is also an important means of retaining archival material within the United Kingdom. During 2009/10 the Acceptance in Lieu scheme brought into public ownership 4 archives. Full details of these and all 33 acceptances during 2009/10 can be found in the Annual Report of the AIL scheme.

vi) National Archives sales catalogue monitoring service

The sales catalogue monitoring service, among its other functions, notifies repositories when manuscripts and archives become available for acquisition through public sales. This service is greatly valued by repositories. In 2009/10, 48 items were purchased by 26 different repositories as a result of notifications. However there were 16 unsuccessful bids, as repositories were outbid or dealers had already disposed of stock.

The Working Party strongly endorses the work of these funds and this scheme and service and expresses its thanks to the advisers and administrators of all of them, who work hard, often at very short notice, to enable applicants to acquire material.

The Working Party then discussed the issue of obtaining export licences for items which have been brought into the country purely for the purpose of exhibition at book fairs, continuing from last year's meeting. Further investigation on the processes of obtaining the correct licences and understanding HMRC's and the UK Border Agency's procedures is ongoing. Finally it welcomed the extension of the *douceur* to chargeable gains of companies or other bodies chargeable to Corporation Tax and agreed that this might be particularly helpful in the case of commercial and industrial archives such as the Minton Archive.

Table 1

The statistics below show the figures for the number of cases from 2000/01 to 2009/10.

| (1) Year | (2) Cases considered by the Committee | (3) Cases where a decision on the licence application was deferred | (4) Cases in (3) where items were not licensed for permanent export | (5) Cases where items were not licensed for permanent export as % of (3) | (6) Value (at deferral) of cases in (4) where items were not licensed for permanent export (£m) | (7) Cases in (3) where items were licensed for permanent export | (8) Cases where items were licensed for permanent export as % of (3) | (9) Value of items in (3) (at deferral) licensed for export (£m) |
|--------------------------|--|---|--|---|--|--|---|---|
| 2000/01 | 37 | 34 | 27 | 79 | 6.6 | 7 | 21 | 12.6 |
| 2001/02 | 34 | 30 ¹ | 25 | 83 | 7.5 | 5 | 17 | 11.4 ² |
| 2002/03 | 26 | 23 | 14 | 61 | 51.7 | 9 | 39 | 23.2 |
| July 2003/ April 2004 | 18 | 9 | 7 | 78 | 6.8 | 2 | 22 | 1.0 |
| 2004/05 | 32 | 25 | 15 | 60 | 16.2 | 10 | 40 | 30.2 |
| 2005/06 | 22 | 17 | 9 | 53 | 8.3 | 8 | 47 | 7.3 |
| 2006/07 | 28 | 19 ³ | 14 ⁴ | 74 | 11.8 | 4 | 21 | 10.7 |
| 2007/08 | 18 | 16 | 9 ⁵ | 56 | 2.5 | 7 | 44 | 12.8 |
| 2008/09 | 22 | 16 | 9 | 56 | 1.5 | 7 | 44 | 14.2 |
| 2009/10 | 15 ⁶ | 13 | 7 | 46 | 10.1 | 6 | 46 | 60.8 |
| Totals | 252 | 202 | 136 | 67 | 123 | 65 | 32 | 184.2 |

¹ Excludes one case where an item was originally thought to be Waverley but subsequently found to have been imported into the UK within the last 50 years.

² Excludes one case where a licence was issued but the owner subsequently sold the item to a UK institution.

³ Excludes one case where an item was originally thought to be Waverley but subsequently found to have been imported into the UK within the last 50 years.

⁴ Excludes one case still under deferral at the time of writing and includes two cases where the licence application was withdrawn during the deferral period.

⁵ Includes one case where the licence application was refused at the end of the first deferral period because the owner refused to confirm that they were willing to accept a matching offer from a UK purchaser.

⁶ Includes one case which was carried over into 2010/11.

Table 2

The statistics below show the figures for the values associated with cases from 2000/2001 to 2009/10.

| (1) Year | (2) Cases where a decision on the licence application was deferred | (3) Value of items in (2) (£m) | (4) Cases where items were acquired by institutions or individuals in the UK ¹ | (5) Value (at deferral) of items in (4) (£m) | (6) Value of items in (4) as % of (3) (£m) | (7) Cases where the application was refused or withdrawn after the announcement of the Secretary of State's decision | (8) Value of items in (7) (£m) |
|--------------------------|---|-----------------------------------|--|---|---|---|-----------------------------------|
| 2000/01 | 34 | 19.3 | 23 | 3.7 | 19 | 4 | 2.9 |
| 2001/02 | 30 ² | 18.9 | 22 ³ | 5.4 | 29 | 3 | 2.0 |
| 2002/03 | 23 | 74.9 | 12 | 39.2 | 52 | 2 | 12.5 |
| July 2003/ April 2004 | 9 | 7.7 | 7 | 6.8 | 88 | 1 | 0.8 |
| 2004/05 | 25 | 46.4 | 10 | 5.8 | 13 | 7 | 11.3 |
| 2005/06 | 17 | 15.6 | 9 | 8.3 | 53 | 0 | 0 |
| 2006/07 | 19 ⁴ | 24.5 | 12 | 7.0 | 29 | 3 | 4.8 |
| 2007/08 | 16 | 15.3 | 8 | 1.4 | 9 | 1 | 1.1 |
| 2008/09 | 16 | 15.7 | 9 | 1.5 | 10 | 0 | 0 |
| 2009/10 | 13 | 71.5 | 6 | 10.1 | 14 | 1 | 0.6 |
| Totals | 202 | 309.8 | 118 | 89.2 | 29 | 22 | 36 |

¹ This only includes items purchased by individuals who agreed to guarantee satisfactory public access, conservation and security arrangements.

² Excludes one case where an item was originally thought to be Waverley but subsequently found to have been imported into the UK within the last 50 years.

³ Includes one case where a licence was issued but the owner subsequently sold the item to a UK institution.

⁴ Excludes one case where an item was originally thought to be Waverley but subsequently found to have been imported into the UK within the last 50 years.

Operation of the Control

Export Licence Applications

During the period covered by the report (1 May 2009 to 30 April 2010):

- there were 10,437 applications for export licences, covering a total of 35,688 items;
- 1,501 of these applications were for the export of manuscripts, documents or archives;
- 20,713 items, with a total value of £1,183,937,807, were issued with export licences after they had been referred to expert advisers;
- 91 Open Individual Export Licences were in operation having been issued on 18 December 2007 to take effect for a period of three years commencing on 1 January 2008 and ending on 31 December 2010 to regular exporters for the following categories of objects: (a) 15 for the export of manuscripts, documents, archives and photographic positives and negatives; (b) 3 for the export of goods over 50 years of age imported into the UK within the past 50 years; (c) 1 for the temporary export of a Rolls Royce; (d) 6 for the export of UK origin coins; (e) 1 for the temporary export of an object more than 50 years of age which is in a soil sample that has been taken from an archaeological site in Northern Ireland and (f) 65 for the temporary export of objects over 50 years of age owned by or under the control of a national institution or an institution holding a designated collection.
- 10,770 items, with a total value of £7,194,621,875, were issued with permanent export licences after the Export Licensing Unit was satisfied that they had been imported into the United Kingdom within the past 50 years. Of these, 1,587 were manuscripts, documents or archives covering a total value of £69,196,794
- 4,146 items, with a total value of £814,289,270, were given an EU licence without reference to the question of national importance because they were either: valued at below the appropriate UK monetary limit; owned by a museum or gallery that has an Open Individual Export Licence (OIEL); manuscripts valued at £1,500 or less or coins valued at £500 or less and the exporter holds a valid OIEL; musical instruments exported for less than three months for use in the course of work by a professional musician; a motor vehicle exported for less than three months for social, domestic or pleasure purposes;

a foreign registered motor vehicle exported following importation for less than three months for pleasure purposes; imported into the UK in the last 50 years and being exported on a temporary basis.

Cases Referred to the Committee

In 2009/10 22 cases were referred to the Committee because the appropriate expert adviser had objected to the proposed export on the grounds of national importance. This is a fraction of the items covered by the export licensing system and shows that expert advisers think very carefully before referring cases to us.

Of these 22 cases referred to the Committee in 2009/10, seven were withdrawn before they reached the stage of consideration by us. In one case heard during 2009/10 an object was considered but gave rise to issues which are still being resolved and the case will be reported in full in a future year, once the Committee has made its recommendation and the Secretary of State has made his decision. The other 14 cases were considered at seven meetings. The criteria that were applied in each case by the Committee were:

| History | Aesthetics | Scholarship |
|---|--|--|
| Is it so closely connected with our history and national life that its departure would be a misfortune? | Is it of outstanding aesthetic importance? | Is it of outstanding significance for the study of some particular branch of art, learning or history? |
| <i>Waverley 1</i> | <i>Waverley 2</i> | <i>Waverley 3</i> |

Items found to meet the Waverley criteria

We found that of the 14 cases which we considered, 13 met at least one of the Waverley criteria. We starred four of them (Cases 2, 6, 8 and 12) as a sign of their outstanding importance, to indicate that especially great efforts should be made to retain them in the UK. The 13 cases were:

Case 2: A carved ivory oliphant (met the second and third criteria, starred)

Case 3: A Fatimid rock-crystal ewer (met the second and third criteria)

Case 4: A set of watercolours by James Henry Dixon, *The Eglinton Tournament* (met the first and third criteria)

Case 5: A painting by Cornelis van Haarlem, *Saint Sebastian* (met the second and third criteria)

Case 6: A painting by William Dyce, *Welsh Landscape with Two Women Knitting* (met all three criteria, starred)

Case 7: A collection of Thomas Hardy typescripts (met the first criterion)

Case 8: A painting by Samuel Palmer, *The Shearers* (met all three criteria, starred)

Case 9: A photograph by Roger Fenton, *Pasha and Bayadere* (met the second and third criteria)

Case 10: The Thomas Walker Archive (met the third criterion)

Case 11: A painting by Domenichino, *Saint John the Evangelist* (met the second criterion)

Case 12: A drawing by Raphael, *Head of a Muse* (met the second and third criteria, starred)

Case 13: A painting by Bartolomé Esteban Murillo, *The Virgin and Child* (met the second criterion)

Case 14: A painting by William Hoare of Bath, *Portrait of Ayuba Suleiman Diallo, called Job ben Solomon* (met the second and third criteria)

Items found not to meet the Waverley criteria

One item was found not to meet any of the Waverley criteria. This was:

Case 1: A giltwood table by Joseph Peretti

Waverley items referred to the Secretary of State

13 cases were referred to your predecessor for deferral and he accepted our recommendations on 12 of them.

He did not complete his consideration of our recommendation on one item during his term of office and you did not accept our recommendation on it. This was:

Case 3: A Fatimid rock-crystal ewer

After giving due consideration to the Committee's recommendation and to further representations made directly to your predecessor by the applicant on the fair matching price the then Secretary of State obtained an independent valuation, on the basis of which you decided that the fair matching price should be set at £20m and that the first deferral period should be reduced to one month.

The aggregate value of the 13 items deferred was £71,488,361.97.

Items where the licence application was withdrawn following the case hearing

Of the 13 cases where items were deferred, one was subsequently withdrawn. This was:

Case 14: A painting by William Hoare of Bath, *Portrait of Ayuba Suleiman Diallo, called Job ben Solomon*

Deferred items that were acquired

Of the 13 cases where items were deferred, the following 6 resulted in acquisitions by institutions or individuals in the United Kingdom. We are pleased that one of the starred items has been retained in the United Kingdom.

Case 4: A set of watercolours by James Henry Dixon, *The Eglinton Tournament* purchased for Dean Castle in Kilmarnock by East Ayrshire Council for £85,100.47 including £30,100 from The Art Fund, £20,000 from the Heritage Lottery Fund, £20,000 from the Barcapel Foundation, and £15,000 from the National Fund for Acquisitions

Case 6: A painting by William Dyce, *Welsh Landscape with Two Women Knitting* purchased by Amgueddfa Cymru-National Museum Wales for £557,218 including £166,000 from the National Heritage Memorial Fund, £166,000 from The Art Fund and £225,218 from Amgueddfa Cymru-National Museum Wales including many private donors

Case 7: A collection of Thomas Hardy typescripts purchased by Dorset County Museum for £50,000 including £17,000 from the MLA/V&A Purchase Grant Fund, £5,000 from Dorset County Council, £3,000 from the University of Exeter, £1,000 from the Edwards Fund, £1,000 from the Thomas Hardy Society, £3,000 from the New Hardy Players, and £28,000 from private donations and fundraising

Case 9: A photograph by Roger Fenton, *Pasha and Bayadere* purchased by the National Media Museum for £108,506 including £49,000 from The Art Fund and £59,506 from their own funds

Case 10: The Thomas Walker Archive purchased by the British Library for £93,600 from their own funds

Case 11: A painting by Domenichino, *Saint John the Evangelist* purchased by an anonymous individual under the 'Ridley Rules' for £9,225,250.

The six cases where items were purchased have a total value of £10,119,674.47 (value price at deferral), which represents 14 per cent of the total value of objects placed under deferral.

Deferred items that were subsequently exported

Unfortunately, it was not possible to retain in the UK every 'Waverley' object which was deferred. Export licences were issued for the items listed below. The fair matching price at which each item was deferred is given in brackets.

Case 2: A carved ivory oliphant (£3,352,500)

Case 3: A rock-crystal ewer (£20,000,000)

Case 5: A painting by Cornelis van Haarlem, *Saint Sebastian* (£1,500,000)

Case 8: A painting by Samuel Palmer, *The Shearers* (£3,800,000)

Case 12: A drawing by Raphael, *Head of a Muse* (£29,161,250)

Case 13: A painting by Bartolomé Esteban Murillo, *The Virgin and Child* (£3,000,000)

The six cases where export licences were issued have a total value of £60,813,750, which represents just under 85 per cent of the total value of objects placed under deferral and 46 per cent in number.

Unresolved Cases from Previous Years

At the time of writing our 2008/09 Report, there was one unresolved deferral: a painting by Alonso Sánchez Coello, *The Infante Don Diego*. A decision on the export licence was deferred until the outcome of the investigation by HM Revenue & Customs into information provided to the Committee had been concluded. The investigation was concluded in May 2010 at which point the date for the end of the second deferral period was set. Prior to the end of the second deferral period a serious intention to purchase the painting was made by a UK national institution. Negotiations in relation to the potential purchase carried over into 2010/11.

Individual export cases

Case 1

A giltwood table by Joseph Perfetti

The table is made of carved and gilt pine and limewood, with a later top of porphyry (possibly Korgon porphyry). It measures 91.5 cm high x 124.5 cm wide x 62 cm deep. Its design is attributed to Robert Adam, and its manufacture is attributed to Joseph Perfetti in about 1775-80.

The applicant had applied to export the table to the USA. The value shown on the export licence application was £275,009, which represented the price at which the present owner had bought the table through a private sale.

The Deputy Keeper of the Furniture, Textiles and Fashion Department at the V&A, acting as expert adviser, had objected to the export of the table under the second and the third Waverley criterion on the grounds that it was of outstanding aesthetic importance and of outstanding significance for the study of Joseph Perfetti.

The expert adviser said that the table had originally been painted but had later been gilded, and the original top had been replaced by a grey porphyry slab, possibly of Korgon porphyry. It was one of a pair of tables, whose manufacture was attributed to Joseph Perfetti (fl. 1760-78 or later), to a design by Robert Adam (1728-92). The tables had almost certainly been supplied by Adam to Henry, Lord Apsley, later 2nd Earl Bathurst, for his London home, Apsley House. This identification was based upon the tables' correspondence to a drawing by Adam which was inscribed "Table for Lady Bathurst, Apsley House". The other table of the pair had been acquired by the National Gallery of Victoria in Melbourne in the 1970s, and was in poor condition. The present table was therefore a rare survival from one of Adam's most important town-house commissions, now largely overlaid by a 19th-century re-fit. Its aesthetic importance was due both to its design by Robert Adam, and to the exceptional quality of its carving. The expert adviser also considered it to be a key piece for the study of the work of Joseph Perfetti, one of the group of craftsmen employed by Adam, of whom little other work was so far known. The table also had a possible connection to the Duke of Wellington, having most likely been retained by the Duke when he had purchased Apsley House in 1816. The suggestion that it was the Duke of Wellington who had the original top replaced was based upon the similarity of the porphyry top to the Korgon porphyry in a pair of monumental candelabra in the Waterloo Gallery, which had formed part of a diplomatic gift presented to the Duke of Wellington by the Russian Tsar Nicholas I.

The applicant did not contest that the table met the Waverley criteria.

We heard this case in May 2009 when the table was shown to us. We found that it did not meet any of the Waverley criteria. An export licence was issued.

Case 2

A carved ivory oliphant

The oliphant, or hunting horn, is made of ivory with silver mounts and is 68.5 cm long. It was made in the 11th-12th century by Islamic craftsmen, possibly in Arab-Norman Sicily or in Fatimid Cairo. It is carved with depictions of animals, both real and imaginary, in bands running along its length. The English silver mounts, one in the shape of a cockerel's foot, were added in the early 17th century.

The applicant had applied to export the oliphant to Switzerland. The value shown on the export licence application was £3,352,000, which represented a private sale.

The Keeper of Sculpture, Metalwork, Ceramics and Glass at the V&A, acting as expert adviser, had objected to the oliphant's export under the second and the third Waverley criterion on the grounds that it was of outstanding aesthetic importance and of outstanding significance for the study of oliphants.

The expert adviser told us that oliphants were rare, precious and highly symbolic objects which accumulated layers of meaning throughout their lives. This oliphant had found its way into the collection of Thomas Lord Coventry (1578-1640), Lord Keeper of the Great Seals to King Charles I. Silver mounts had been added in the early 17th century, possibly to commemorate the marriage of Coventry's daughter. It may have been used earlier as a reliquary in an English church treasury, or as a 'horn of tenure' to symbolise the transfer of land.

The expert adviser said that the oliphant was a fine and well-preserved example of a type of object known only in limited numbers. In his opinion, its appearance was enhanced rather than diminished by the later addition of the silver mounts. It was important for study because it was one of only three oliphants of the so-called 'Saracenic' type in the United Kingdom, and was an extremely well-preserved example of this category of object. It was also the only one of the three to have its decoration running in narrow strips along its length, rather than in medallions. It was of outstanding significance not only because of its condition, visual repertoire and rarity, but also because of its rich history of post-medieval transformation which was without parallel in the other surviving examples.

The applicant did not disagree that the oliphant met the Waverley criteria.

We heard this case in May 2009 when the oliphant was shown to us. We found that it met the second and third Waverley criteria and recommended that it should be starred, meaning that every possible effort should be made to raise funds to retain it in the United Kingdom. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £3,352,500 (inclusive of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the oliphant, the deferral period should be extended by a further four months.

At the end of the initial deferral period, no offer to purchase the oliphant had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Case 3

A fatimid rock-crystal ewer

The core of the object is formed of a ewer carved from a solid block of rock crystal. The handle, neck and foot were broken by 1854, when the ewer was provided with enamelled gold mounts that replace these elements. The resulting object measures 30.7 cm high.

The form and decoration of the rock-crystal ewer place it among a group of similar items almost certainly made in Cairo in Egypt in the heyday of the Fatimid caliphate, between the 970s and the 1060s. The ewer is anonymous, but the mounts were made by Jean-Valentin Morel (1794-1860), at Sèvres in France.

The applicant had applied to export the ewer to Germany as part of a long-term loan of its collection of Islamic objects which it was making to the Islamische Museum für Kunst in Berlin. The value shown on the export licence application was £15,000,000, which represented an estimate supported by a statement from an expert in medieval works of art.

The Senior Curator of Middle East at the Victoria & Albert Museum, acting as expert adviser, had objected to the export of the ewer under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of Islamic art and European taste in the mid-19th century.

The expert adviser said that rock crystal items belonged to a small group of luxury objects which had been made for the rulers of what in its time had been the richest state in the Mediterranean world. As well as being beautiful in its own right, the ewer was amazing in its technical accomplishment. Enamelled gold mounts on the neck, handle and base had been added by the Parisian lapidary and jeweller Jean-Valentin Morel in 1854. The ewer was therefore also important for the study of European taste in the mid-19th century, both in terms of the work of a leading French lapidary and jeweller of the period, and of the international character of British collecting. Finally, only eight similar examples of ewers were known to have survived in the world, and only one of these was in a public collection in the UK. So few of these objects remained that each one could add enormously to our understanding of the group.

The applicant did not disagree that the ewer met the Waverley criteria.

We heard this case in September 2009 when the ewer was shown to us. We found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £3,243,268.75 (inclusive of VAT), this being the price at which it had sold at auction in October 2008. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the ewer, the deferral period should be extended by a further four months.

Subsequently, the Secretary of State gave due consideration to the Committee's recommendations on the Waverley criteria, the fair matching price and the deferral period. The Secretary of State also gave consideration to representations that had been made directly to him by the applicant on the fair matching price. As a result of these further representations the Secretary of State obtained an independent valuation on the basis of which he decided that the fair matching price should be set at £20,000,000 and that the first deferral period should be reduced to one month.

At the end of the initial deferral period, no offer to purchase the ewer had been made and an export licence was therefore issued.

Case 4

A set of watercolours by James Henry Nixon, *The Eglinton Tournament*

The watercolours by James Henry Nixon (1802-57) depict scenes from the Eglinton Tournament of 1839. They are drawn in pencil on 20 individual sheets, each measuring approximately 34 x 50 cm, with watercolour heightened with gouache and touches of gold. Most of the drawings are signed, some are dated 1840 or 1841, and several are inscribed.

The applicant had applied to export the watercolours to the USA. The value shown on the export licence application was £80,000, which represented an agreed sale price.

The Keeper of Prints and Drawings at the British Museum, acting as expert adviser, had objected to the export of the watercolours under the first Waverley criterion on the grounds that they were so closely connected with our history and national life that their departure would be a misfortune.

The expert adviser told us that the Eglinton Tournament, a re-creation of a medieval tournament which took place in Ayrshire in August 1839, had been an important event in Scottish social history. Privately funded by Lord Eglinton at a cost of £40,000 and held in front of the castle on his estate, the three-day spectacle included a procession, jousting by tilt and *melée*, a banquet and a ball. It was attended by 100,000 people who travelled from across Britain, Europe and even America on newly-built railways and steamships. The event captured the imagination of a public whose appetite for recreating the Age of Chivalry had been whetted by authors such as Horace Walpole and Sir Walter Scott. A remarkable manifestation of the 19th-century British fascination with all things medieval, it had helped to fan the flames of the Gothic Revival.

The expert adviser said that little was known about James Henry Nixon except that he had been an artistic partner in a London stained-glass firm during the revival of stained-glass design and manufacture which flourished in the 19th century. Nixon had attended the Eglinton Tournament and his highly-detailed watercolours, based on sketches made on the spot, were considered to be the most comprehensive record of this event in existence. The watercolours had been made for use by the lithographers Day & Hague in producing a deluxe folio account of the Tournament, in which the prints were accompanied by text detailing the proceedings, identifying the participants and describing their costumes. The volume was published by Colnaghi and Puckle in London in 1843 under the title *A Series of views*

representing the Tournament held at Eglinton Castle in the year 1839 from drawings made on the spot expressly for this work by J H Nixon with historical and descriptive notices by the Rev. John Richardson LLB. The prints made from Nixon's watercolours thus played a crucial role in disseminating information about, and sustaining popular interest in, this significant event.

The applicant did not disagree that the watercolours met the Waverley criteria.

We heard this case in September 2009 when the watercolours were shown to us. We found that they met the first Waverley criterion because of their close association with our history and national life, and also the third Waverley criterion because of their significance for the study of Scottish social history and of the Gothic Revival in 19th-century Britain. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £85,100.47 (inclusive of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the watercolours, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the watercolours by East Ayrshire Council. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the watercolours had been purchased for Dean Castle in Kilmarnock by East Ayrshire Council with assistance from The Art Fund, the Heritage Lottery Fund, the Barcapel Foundation, and the National Fund for Acquisitions.

Case 5

A painting by Cornelis Cornelisz Van Haarlem, *Saint Sebastian*

The oil on canvas painting by Cornelis Cornelisz van Haarlem (1562-1638) is dated to around 1591 and measures 146.7 x 105.4 cm. The subject is Saint Sebastian, an officer of the Praetorian Guard under the Roman Emperor Diocletian who had been sentenced to death by arrows for being a Christian.

The applicant had applied to export the painting to Liechtenstein. The value shown on the export licence application was £1,500,000, which represented an agreed sale price.

The Director of the National Gallery, acting as expert adviser, had objected to the export of the painting under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and of outstanding significance for the study of Dutch painting.

The expert adviser said that *Saint Sebastian* was a highly significant work by Cornelis Cornelisz van Haarlem, one of the leading painters in the Dutch mannerist style. The picture dated from about 1591, during the period when he was producing his most innovative and audacious works. Using near life-sized scale, the artist emphasised Sebastian's contorted pose and bulging musculature to convey the agony of his near-martyrdom in a visceral and immediate way. Its bold chiaroscuro, compressed composition and dark background all combined to form a striking and powerful image.

The expert adviser also told us that the painting was important for the study of Dutch Mannerist painting because it summed up the essence of that style, which blended exaggerated musculature and twisted forms with a nascent interest in classical form. Cornelisz had developed his trademark mannerist style during the 1580s, and had formed a loose studio brotherhood, the so-called 'Haarlem Academy', together with Karel van Mander and Hendrick Goltzius. His interpretation of mannerism was emotionally charged; his subjects' postures and gestures were by turns elegant, acrobatic and violent, almost brutal. As his career developed, this raw power had evolved into a more elegantly fluent style.

The applicant disagreed that the painting met the Waverley criteria. He said that since the artist was Dutch and his subject, Saint Sebastian, had no connection to Britain, the work had no apparent association with our history and national life. He agreed that it was an excellent example of Dutch Mannerism, but told us that the National Gallery already had two works by Cornelisz in its collection, one of which was not currently on display. The collection also contained other important Dutch Mannerist works, including paintings by Wtewael and Spranger. Because of this, the applicant felt that Dutch Mannerism was already sufficiently well represented in relation to its art historical importance in the National Gallery's collection. He also pointed out that there were works by Cornelisz in the Ashmolean, the Fitzwilliam and the National Gallery of Scotland, and seven more in private collections in the UK. Finally, the applicant said that *Saint Sebastian* had been well documented in the recent *catalogue raisonné* (1999) of Cornelis van Haarlem so its sale would not significantly impair the study of the artist's works.

We heard this case in September 2009 when the painting was shown to us. We found that it met the second and

third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,500,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further four months.

At the end of the initial deferral period, no offer to purchase the painting had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Case 6

A painting by William Dyce, Welsh Landscape with Two Women Knitting

The painting by William Dyce (1806-64) is oil on prepared board and measures 34.3 x 49.5 cm. It depicts two women knitting against the background of a hillside in Snowdonia with a view of mount Snowdon in the distance.

The applicant had applied to export the painting to Switzerland. The value shown on the export licence application was £541,250, which represented the price at which the present owner had bought the painting at auction.

The Curator of British Art to 1900 at Tate, acting as expert adviser, had objected to the export of the painting under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the career of William Dyce and of artists working in Wales in the 19th century.

The expert adviser said that the painting was important for study because it related to a particular incident in the career of William Dyce: his visit to Llanrwst in 1860. It was also of outstanding significance for the study of artists working in north Wales between the 1830s and 1890s. The expert explained that the painting was a key work in a succession of representations of North Wales and its people in the 19th century by visiting artists from David Cox onwards. In particular, it illustrated the importance of Snowdonia as a place of resort and inspiration to artists. It was important for the study of the representation of Welsh culture, reflecting the conventional representation at that time of the people of North Wales as still untouched by "progress". It was also a meditation on the theme of the passing of time, in terms of a human lifespan, of a culture which was in danger of dying out, and of the Welsh landscape.

Finally, it was a physical manifestation of the artist's attempts to reconcile his religious views with the discoveries being made by Victorian geologists about the age of the earth.

The applicant disagreed that the painting met the Waverley criteria. In his view, it could not be closely connected to our history and national life because, although its whereabouts had been known since the 1960s, it had rarely been exhibited or been requested for any major exhibitions. The last exhibition it had appeared in was at the National Gallery of Scotland in 1991, for a small show of selected works from the David Scott collection. The applicant had also stated that the painting was not of outstanding aesthetic importance because it had been painted on a small scale and did not have the scale of such important Dyce paintings as *Pegwell Bay* (Tate), nor did it demonstrate the direct Nazarene influence that would appeal to most Dyce collectors. Finally, the applicant said that the painting was not significant for study because it was not directly connected to any school. It had been painted in the tradition of the Pre-Raphaelites (1848-54) but later, circa 1860. The applicant said that the interest in this work was more academic in terms of Dyce as a painter rather than any particular school. Dyce had been interested in geology and this painting was intended as a meditation on the passage of time. In the applicant's opinion it was not connected to any particular branch of art, learning or history.

We heard this case in November 2009 when the painting was shown to us. We found that it met all three of the Waverley criteria and recommended that it should be starred, meaning that every possible effort should be made to raise funds to retain it in the United Kingdom. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £541,250 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by Amgueddfa Cymru – National Museum Wales. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the painting had been purchased by Amgueddfa Cymru – National Museum Wales with assistance from the National Heritage Memorial Fund, The Art Fund, and a number of private individuals.

Case 7

A collection of Thomas Hardy typescripts

The collection comprises of working papers and records (annotated typed playscripts, prompt copies, actors' parts, programmes, posters and miniature mock-up scenery) deriving from the adaptation and staging of the works of Thomas Hardy (1840-1928) by The Hardy Players (formerly the Dorchester Dramatic and Debating Society), with input from Hardy himself, between 1908 and 1924.

The applicant had applied to export the collection to the USA. The value shown on the export licence application was £50,000, which represented an agreed sale price.

The Head of Modern Historical Manuscripts at the British Library, acting as expert adviser, had objected to the export of the collection under the first and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune, and that it was of outstanding significance for the study of the dramatic adaptation and staging of the works of Thomas Hardy and their reception by the local community that had inspired them.

The expert adviser said that the collection met the first Waverley criterion in that it was closely associated with the life of a particular region, one given an enduring literary identity as Hardy's Wessex. It also met the third Waverley criterion in being the most important and coherent body of evidence surviving in this country for the study of the dramatic adaptation of the works of Thomas Hardy and their reception by the local community. The Hardy Players' programme for the adaptation and staging of Hardy's works was a remarkable and sustained example of the appropriation of a major literary figure by the community and the region that had inspired him, carried on with his knowledge and consent and sometimes with his direct participation. Their mission was to use Hardy's works to promote a sense of regional identity. These records, with their annotated prompt copies and actors' parts, giving the dialogue as actually delivered and the stage business as performed, and their direct evidence of the scenery and settings, are the closest we can now get to the experience. The collection was also important for the study of Thomas Hardy himself, whose involvement with The Hardy Players had been closer than he had sometimes admitted.

The expert adviser also said that no comparable group of material was known in a public collection in this country. In her view, the holdings of Dorset County Museum (DCM), otherwise the largest and most important Hardy archive in the world, were not an adequate substitute for the collection under consideration. The latter contained

elements not represented at DCM, including material for all of the major productions, as well as five prompt copies.

The applicant disagreed that the typescripts met the Waverley criteria. He said that, while he believed the collection of typescripts was important, it was not of the same calibre as the examples of "national treasures" given in the elucidation of the Waverley criteria published by the Quinquennial Review of the Reviewing Committee on the Export of Works of Art (2005). Those items, such as the archive related to *Newton's Principia* and the warrant for the execution of Mary Queen of Scots, offered a unique insight into the national identity. In the applicant's opinion, the collection under consideration was not unique because there was a similar collection at DCM. The applicant told us that the collection had been offered for sale approximately 40 years ago, not only to the DCM, but also to the Dorset Record Society (DRS) and the Dorset County Library (DCL). At that time, the Head Librarian of the DCL had written that he was not interested in purchasing the collection because the DCL already had a complete photocopy set of all of the dramatisations. The other two institutions had also declined to purchase. In the applicant's view, it seemed reasonable to conclude from this that the collection could not be of major importance to the study of local history. In his opinion, the collection could not be considered a national treasure because the holdings of the DCM relating to *The Hardy Players* were not only comparable to it, but were in fact superior.

We heard this case in December 2009 when the collection was shown to us. We found that it met the first Waverley criterion because of its close association with our history and national life. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £50,000. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the collection, the deferral period should be extended by a further two months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the typescripts by Dorset County Museum. A decision on the export licence application was deferred for a further two months. We were subsequently informed that the typescripts had been purchased by Dorset County Museum with assistance from the MLA/V&A Purchase Grant Fund, Dorset County Council, University of Exeter, the Thomas Hardy Society, the New Hardy Players and various private donations and fundraising.

Case 8

A painting by Samuel Palmer, *The Shearers*

The painting is oil and tempera over black chalk on oak, c. 1833-34, and measures 51.7 x 71.1 cm. It depicts a group of farm-workers shearing their sheep in a rolling, sunlit English landscape, seen from the interior of a large barn.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £3,800,000, which represented an agreed sale price.

The Curator of 18th- and 19th-Century British Art at Tate, acting as expert adviser, had objected to the export of the painting under all three of the Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune, that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the work of Samuel Palmer.

The expert adviser said that Samuel Palmer (1805-81) was an English landscape painter, etcher, printmaker and writer, and a key figure in the Romantic Movement. Between 1826 and 1835 he had lived in Shoreham in Kent, where he created visionary and nostalgic works in opposition to the predominant naturalism of the time. *The Shearers*, one of Palmer's largest landscape paintings, was based on scenery around Shoreham. It met the first Waverley criterion because it was a quintessential representation of the English pastoral tradition, taking an allegorical approach to its subject matter. An atmosphere of tension, conveyed by the upturned scythe in the foreground, may reflect contemporary agricultural unrest and the impact of the Reform Act of 1832. The painting dated from late in Palmer's 'Shoreham' period when he was beginning to turn away from the purely visionary and adopt a more commercially viable style.

The expert adviser told us that the painting met the second Waverley criterion because it was one of Palmer's largest and most complete landscape paintings, an exceptional demonstration of the artist's development as a colourist, and unique in its dynamic representation of figures and agricultural labour and its materials. Finally, the expert adviser stated that the painting met the third Waverley criterion because of its importance for the study of Palmer's 'Shoreham' period, a distinct strand of British Romanticism and a major inspiration to Post-Impressionism and Neo-Romanticism.

The applicant agreed that the painting met the second Waverley criterion but did not meet the first or third.

We heard this case in December 2009 when the painting was shown to us. We found that it met all three of the Waverley criteria and recommended that it should be starred, meaning that every possible effort should be made to raise funds to retain it in the United Kingdom. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £3,800,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further four months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by Canterbury Museums and the Ashmolean Museum. A decision on the export licence application was deferred for a further four months. The institutions were unable to raise the funds to make a matching offer during this period and an export licence was issued.

Case 9

A photograph by Roger Fenton, *Pasha and Bayadere*

Pasha and Bayadere is an albumen silver print photograph from a collodion negative by the British photographer Roger Fenton (1819-69). It is a paper print mounted on card measuring 42 x 38 cm.

The applicant had applied to export the photograph to the USA. The value shown on the export licence application was £105,057, which represented the price at which the owner had entered into an agreement with an agent to sell the photograph. This had originally been agreed in US dollars (\$173,333) and had been converted into sterling on the date the application was made.

The Curator of Photographic Technology at the National Media Museum, acting as expert adviser, had objected to the export of the photograph under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the history of photography and for the wider understanding of 19th-century art.

The expert adviser told us that Roger Fenton was one of the most important and highly regarded British photographers of the 19th century. A hugely influential figure, he was a founder member and first Secretary of the Photographic Society (later the Royal Photographic Society) in 1853. *Pasha and Bayadere* was one of his finest photographs.

Until recently it was believed that only one print of this subject had survived (now in the J Paul Getty Museum), the existence of this second print having been discovered in 2005. As well as being of outstanding importance, the photograph was also important for the study of the history of photography and of 19th-century art in general. It was one of a series of about 50 photographs known as Orientalist studies, romanticised depictions of scenes of Muslim culture in the Ottoman Empire and North Africa. The series was part of a more general Orientalist craze that ran through European and British art in the second half of the 19th century and reflected the Victorian fascination with the 'exotic' Near East. The expert adviser said that there were very few examples of Fenton's Orientalist images in British public collections.

The applicant did not disagree that the photograph met the Waverley criteria.

We heard this case in February 2010 when the photograph was shown to us. We found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £108,506, the US dollar value having been converted into sterling on the date of the hearing. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the photograph, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the photograph by the National Media Museum. A decision on the export licence application was deferred for a further three months. The National Media Museum requested an extension of the second deferral period. The Reviewing Committee took into account the goodwill of the owner in consenting to the request and recommend to the Secretary of State that the second deferral period should be extended for a further two months. After due consideration the Secretary of State agreed to the Committee's recommendation that the second deferral period should be extended in this instance. We were subsequently informed that the photograph had been purchased by National Media Museum with assistance from The Art Fund.

Case 10

The archive of Thomas Walker

The archive is a bound collection of at least 160 letters from many major figures of the time to the Manchester radical reformer and merchant Thomas Walker (1749-1817).

The collection is arranged in alphabetical order by correspondent, from A to R having once formed a pair with a second volume, now missing.

The applicant had applied to export the archive to the USA. The value shown on the export licence application was £93,600, which represented a hammer price at auction plus auctioneer's and dealer's commission.

The Head of Western Manuscripts at the Bodleian Library, acting as expert adviser, had objected to the export of the archive under the first and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune and that it was of outstanding significance for the study of the national political situation in the late 18th and early 19th centuries.

The expert adviser told us that the archive met the first Waverley criterion because the letters provided an extraordinary insight into important aspects of British life during a period of intense industrial, political, intellectual and cultural activity. They showed that major national campaigns, such as that for the abolition of slavery, had derived significant power from the regions. The expert adviser said that the archive met the third Waverley criterion because the letters were largely unknown to scholars and shed new light on the often interrelated activities, experiences and ideas of key intellectual, political and radical figures as they shaped the nature of the UK's parliamentary democracy and sought liberty for the oppressed. He also said that the key to Thomas Walker's importance was his interconnectedness, and the archive demonstrated this. It was the bringing together of the letters that made the collection valuable.

The applicant had stated that, notwithstanding the value of individual items, the Thomas Paine letters in particular, and the insights the archive provided into Manchester politics at the turn of the nineteenth century, he did not think that the archive could be regarded as of 'outstanding significance' for the study of political history. Thomas Walker's active involvement in politics had come to an end in the mid 1790s, and while he had played a continued role as a sounding board for the great and the good after that time, it was not a role that could be seen as directly linked to the progress of the radical movement or to the history of industrialisation. The applicant also said that although he agreed that some of the individual items were important, the collection as a whole lacked a coherent narrative. In his view, it was a collection of disconnected letters rather than an archive. There was not enough substance to make the collection hang together as a statement about Manchester politics.

We heard this case in February 2010 when the archive was shown to us. We found that it met the third Waverley criterion because of its significance for the study of British politics in the late 18th and early 19th centuries. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £93,600. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the archive, the deferral period should be extended by a further two months.

During the initial deferral period, we were informed of an offer to purchase the archive by the British Library. We were subsequently informed that the archive had been purchased by the British Library with its own funds.

Case 11

A painting by Domenichino, *Saint John the Evangelist*

The painting is oil on canvas and measures 259 x 199.4 cm. It was painted in the 1620s and depicts Saint John the Evangelist.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £9,225,250, which represented a hammer price at auction plus buyer's premium.

The Curator of Spanish and Later Italian Paintings at the National Gallery, acting as expert adviser, had objected to the export of the painting under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance as one of the grandest 'single-figure' compositions of the Roman Classical Baroque style.

The expert adviser said that Domenichino (Domenico Zampieri) (1581-1641) had been one of the most important Italian artists of the 17th century. *Saint John the Evangelist* was a masterpiece which epitomised the grandeur and nobility of Roman Baroque painting. The heroic pose and serene gaze of the figure made it one of the finest interpretations of the classical tradition. Although Domenichino was well represented in UK public and private collections, none of the other paintings could equal the grand scale and conception of this, one of his greatest easel paintings.

The applicant disagreed that the painting met the Waverley criteria. They had stated in a written submission that the painting did not have a close connection with UK history and national life because it had only been in the UK since

the early 19th century. With regard to the second criterion of aesthetic importance, although the painting was related to the fresco of Saint John the Evangelist at S. Andrea della Valle, an important work of Domenichino's, there was in fact no direct correspondence between the two. The applicant pointed out that the artist was already well represented in British public collections, including the monumental *St Agnes* in the Royal Collection on display at Hampton Court. Finally, although the work was important to the study of the formation and dissolution of great collections, it was difficult to argue that it was of outstanding significance in this respect, as there were many works in national collections which stemmed from the same collections or shared a similar provenance.

We heard this case in February 2010 when the painting was shown to us. We found that it met the second Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £9,225,250 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further four months.

During the initial deferral period it was established that no UK institution was able to raise sufficient funds to acquire the work. An offer was then accepted from a private purchaser under the 'Ridley Rules'. The normal guideline for Ridley purchases is public access for a minimum of 100 days a year. In this case due to the fragility of the painting and on the advice of the National Gallery the period of public access has been aggregated to 18 months in 5 years. The painting is currently on display at the National Gallery.

Case 12

A drawing by Raphael, *Head of a Muse*

The drawing is black chalk over pounce marks, traces of stylus and a watermark encircled Saint Anthony's cross, c. 1483-1520. It measures 30.5 x 22.2 cm.

The applicant had applied to export the drawing to the USA. The value shown on the export licence application was £29,161,250, which represented a hammer price at auction plus buyer's premium.

The Curator of Italian Drawing before 1800 at the British Museum, acting as expert adviser, had objected to the export of the drawing under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic

importance as one of the artist's most beautiful women's heads and that it was of outstanding significance for the study of the works of Raphael (Raffaello Sanzio da Urbino) (1483-1520) and the understanding and appreciation of the significance of his skills as a draughtsman/designer in underpinning his triumphant success in the Stanza della Segnatura that launched his meteoric rise in papal Rome.

The expert adviser said that the drawing encapsulated many of the qualities that make Raphael one of the most admired and imitated draughtsmen. There was no better example of the artist's ability to blend together seamlessly idealised beauty, based on his attentive study of classical sculpture, with naturalistic observation, seen in the detailed rendering of the structure of the *Muse's* eye or the stray strands of hair that fall from her cap. Scholars with a wide experience of Raphael's entire graphic corpus had described this study in glowing terms: "*exquisite, sensuously drawn*". The type of female beauty developed in drawings such as this one was to become canonical in academic art throughout Europe for centuries. The drawing was a preparatory drawing for a figure in Raphael's *Parnassus* fresco in the Stanza della Segnatura in the Vatican, his first Roman commission and the one for which he was called to the Papal capital to execute. Sixty preparatory drawings for this commission had survived and, together, they offered the most complete record of Raphael's working methods of any fresco project in his career. *Head of a Muse* was unique amongst these because it was the only known 'auxiliary cartoon' for the commission. Such specialised studies of heads were made right at the end of the design process just prior to working on the wall itself. From the absence of pricking around its contours it could be assumed that Raphael wished to preserve it in a pristine state so he could copy it freehand when painting the head in the wet plaster. His use of a pounced cartoon as the basis for the drawing eloquently conveyed the multi-layered complexity of his preparatory process. The drawing had been executed in close proximity to Raphael beginning work on the fresco and unlike the fresco, which had been altered by the passage of time and restoration, *Head of a Muse* was unquestionably all his own work.

The applicant acknowledged that *Head of a Muse* was a superlative drawing, in remarkable condition and a preparatory work for one of the artist's greatest masterpieces, but did not agree that it met the Waverley criteria. They had stated in a written submission that although the drawing had been in England since 1936 and had been in the collection of Sir Thomas Lawrence in the early 19th century, it could not be regarded as being sufficiently closely connected with either UK history or national life because it had spent most of its life abroad.

The applicant pointed out that Raphael was already well represented in British public collections including 70 drawings at the Ashmolean Museum which, it said, represented the most important collection of drawings by the artist in the world. Finally, although the drawing was a magnificent example of an auxiliary cartoon by Raphael, British collections already had remarkable holdings of this type of drawing.

We heard this case in February 2010 when the drawing was shown to us. We found that it met the second and third Waverley criteria and recommended that it should be starred, meaning that every possible effort should be made to raise funds to retain it in the United Kingdom. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £29,161,250 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the drawing, the deferral period should be extended by a further six months.

At the end of the initial deferral period no offer to purchase the drawing had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Case 13

A painting by Bartolomé Esteban Murillo, *The Virgin and Child*

The painting by Bartolomé Esteban Murillo (1617-82) dates from the early 1650s. It is oil on canvas and measures 166.5 x 110.5 cm.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £4,000,000, which represented an estimate of the fair market value, supported by suggested comparable paintings which had sold at auction.

The Director of the National Gallery, acting as expert adviser, had objected to the export of the painting under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

The expert adviser said that the painting met the second Waverley criterion owing to its outstanding aesthetic importance as one of the finest of Murillo's versions of a subject closely associated with his fame. He stated that Great Britain was rich in its holdings of Murillo's works, both in public and private collections, but that there was no truly comparable example to the present painting.

It was a particularly fine example of Murillo's depictions of the Virgin and Child, and was highly desirable because it was an early version of the subject and was quite different in tone to the slightly saccharine quality that sometimes characterised his later works.

The applicant disagreed that the painting met the Waverley criteria. They said that although the painting was a good example of the artist's work, it was a composition that the artist had repeated many times of an unremarkable iconography. Murillo's work was represented in many British public collections and private collections open to the public, and Britain had more works by this artist than any other country except his native Spain. There were already similar compositions in public and private collections. At the hearing, the applicant said that he did not agree with the view put forward by the expert adviser in his written submission that there was no comparable work to *The Virgin and Child* in the UK. He said that *The Virgin and Child with the Infant Saint John the Baptist* at Pollok House in Glasgow (Stirling Maxwell Collection) was dated only five years later so he considered it a comparable work. The expert adviser replied that *The Virgin and Child* under consideration had a different character and different colouring to the painting at Pollock House and was of a higher quality.

We heard this case in March 2010 when the painting was shown to us. We found that it met the second Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further four months. The Committee was unable to recommend a fair matching price as it did not feel that the supporting evidence substantiated the value put forward, and recommended that the Secretary of State should obtain an independent valuation of the painting. The Secretary of State agreed to the Committee's recommendation and sought an independent valuation of the painting. The independent valuer valued the painting at £3,000,000 and the Secretary of State accepted this. The applicant's representative confirmed that the owner would accept a matching offer at the price set by the Secretary of State if the decision on the licence was deferred.

At the end of the initial deferral period, no offer to purchase the painting had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Case 14

A portrait by William Hoare of Bath, Ayuba Suleiman Diallo Called Job Ben Solomon

The portrait is oil on canvas and measures 76.2 x 64.2 cm. It was painted in 1733, is in good condition and shows little evidence of restoration.

The applicant had applied to export the portrait to Qatar. The value shown on the export licence application was £554,937.50, which represented a hammer price at auction plus buyer's premium and VAT on the buyer's premium.

The Curator of 17th- and 18th-Century British Art, acting as expert adviser, had objected to the export of the portrait under the first and the third Waverley criterion on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune and that it was of outstanding significance for the study of the history of the development of non-European portraiture in Britain, and of evolving responses within Britain to other cultures.

The expert adviser stated that the portrait was closely connected with our history and national life because the subject, Ayuba Suleiman Diallo, had been an important figure in the history of the early 18th-century transatlantic slave trade, and because of Britain's engagement in that trade. The subject's visit to Britain in 1733 had had a profound impact on Britain's understanding of West African culture, identity and religion, and he had figured prominently in abolitionist arguments at the time. The expert adviser said that the portrait met the third Waverley criterion because it was the first British painting of a freed slave so far identified, and was also the earliest portrait so far uncovered of a named West African visitor to Britain, presented as an individual and as an equal. It was therefore of outstanding significance for the study of the development of non-European portraiture in Britain, and the study of evolving responses within Britain to other cultures.

The applicant disagreed that the portrait met the Waverley criteria. They said that the portrait's connection with British history and national life was tenuous. Diallo had been in England for only a brief period from 1733 to 1734, and did not feature in the Dictionary of National Biography. In the applicant's view, the portrait's significance lay in its slave trade narrative, which was linked with Senegal and America, rather than Britain. It was also significant for the study of the depiction of native black Africans in art, but there were already plenty of other examples in UK public collections. It could not be described as being of outstanding aesthetic

importance because the artist, William Hoare of Bath (c. 1707-92), was of secondary, regional significance. This portrait was unusual within his oeuvre, which consisted mostly of official portraits of politicians, but was not superior in quality to those other works. Finally, the applicant stated that although the portrait was significant for the study of slavery, this was in an African-American rather than a British context.

We heard this case in March 2010 when the portrait was shown to us. We found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £554,937.50 (inclusive of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the portrait, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the portrait by a UK institution. A decision on the export licence application was deferred for a further three months. At the end of the second deferral period, a firm offer to purchase the painting was made by the interested institution. The owner refused this offer and withdrew the application for an export licence.



Plate I A set of watercolours by James Henry Dixon, *The Eglinton Tournament*



Plate II A painting by William Dyce, *Welsh Landscape With Two Women Knitting*



Plate III A collection of Thomas Hardy typescripts



Plate IV A photograph by Roger Fenton, *Pasha and Bayadere*



Plate V The archive of Thomas Walker



Plate VI A painting by Domenichino, *Saint John the Evangelist*

Export of Objects
of Cultural Interest
2009/10

Appendices

Appendix A

History of export controls in the UK

The reasons for controlling the export of what are now known as cultural goods were first recognised in the UK at the end of the 19th and beginning of the 20th centuries. Private collections in the United Kingdom had become the prey of American and German collectors and it was apparent that many were being depleted and important works of art sold abroad at prices in excess of anything that UK public collections or private buyers could afford. It was against this background that the National Art Collections Fund was established in 1903, to help UK national and provincial public collections to acquire objects that they could not afford by themselves.

Until 1939 the United Kingdom had no legal controls on the export of works of art, books, manuscripts and other antiques. The outbreak of the Second World War made it necessary to impose controls on exports generally in order to conserve national resources. As part of the war effort, Parliament enacted the Import, Export and Customs Powers (Defence) Act 1939, and in addition the Defence (Finance) Regulations, which were intended not to restrict exports but to ensure that, when goods were exported outside the Sterling Area, they earned their proper quota of foreign exchange. In 1940, antiques and works of art were brought under this system of licensing.

It was in 1950 that the then Labour Chancellor of the Exchequer, Sir Stafford Cripps, established a committee under the Chairmanship of the First Viscount Waverley 'to consider and advise on the policy to be adopted by His Majesty's Government in controlling the export of works of art, books, manuscripts, armour and antiques and to recommend what arrangements should be made for the practical operation of policy'. The Committee reported in 1952 to RA Butler, the Chancellor in the subsequent Conservative administration, and its conclusions still form the basis of the arrangements in place today.

Current export controls

The export controls are derived from both UK and EU legislation. The UK statutory powers are exercised by the Secretary of State under the Export Control Act 2002. Under the Act, the Secretary of State for Culture, Media and Sport has made the Export of Objects of Cultural Interest (Control) Order 2003. Export Controls are also imposed by Council Regulation (EC) No 116/2009 on the export of cultural goods. The control is enforced by HM Revenue and Customs on behalf of the Department for Culture, Media and Sport (DCMS). If an item within the scope of the legislation is exported without an appropriate licence, the exporter and any other party concerned with the unlicensed export of the object concerned may be subject to penalties, including criminal prosecution, under the Customs and Excise Management Act 1979.

The Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

An independent Reviewing Committee on the Export of Works of Art was first appointed in 1952 following the recommendations of the Waverley Committee. It succeeded an earlier Committee of the same name established in 1949, comprising museum directors and officials, which heard appeals against refusals and, from 1950, all cases where refusals were recommended. The Committee's terms of reference, as set out in the Waverley Report, were:

- i) to advise on the principles which should govern the control of export of works of art and antiques under the Import, Export and Customs Powers (Defence) Act 1939;
- ii) to consider all the cases where refusal of an export licence for a work of art or antique is suggested on grounds of national importance;
- iii) to advise in cases where a Special Exchequer Grant is needed towards the purchase of an object that would otherwise be exported;
- iv) to supervise the operation of the export control system generally.

These were subsequently revised following the recommendations of the Quinquennial Review, which also recommended that the Committee's name be expanded by adding 'and Objects of Cultural Interest'. (See Annex B for revised terms of reference.)

The Committee is a non-statutory independent body whose role is to advise the Secretary of State whether a cultural object, which is the subject of an application for an export licence, is of national importance under the Waverley criteria (so named after Viscount Waverley), which were spelt out in the conclusions of the Waverley Report. The Committee consists of eight full members, appointed by the Secretary of State for Culture, Media and Sport, seven of whom have particular expertise in one or more relevant fields (paintings, furniture, manuscripts etc), and a Chairman. A list of members during the year covered by this report is at the front of this report and brief details of members are included at Appendix C.

The Waverley criteria

The Waverley criteria are applied to each object the Committee considers.

| History | Aesthetics | Scholarship |
|---|--|--|
| Is it so closely connected with our history and national life that its departure would be a misfortune? | Is it of outstanding aesthetic importance? | Is it of outstanding significance for the study of some particular branch of art, learning or history? |
| <i>Waverley 1</i> | <i>Waverley 2</i> | <i>Waverley 3</i> |

These categories are not mutually exclusive and an object can, depending on its character, meet one, two, or three of the criteria.

The Committee reaches a decision on the merits of any object which the relevant expert adviser draws to its attention.

A meeting is held at which both the expert adviser and the applicant submit a case and can question the other party. The permanent Committee members are joined for each meeting by independent assessors (usually three), who are acknowledged experts in the field of the object under consideration. They temporarily become full members of the Committee for the duration of consideration of the item in question.

If the Committee concludes that an item meets at least one of the Waverley criteria, its recommendation is passed on to the Secretary of State. The Committee also passes on an assessment of the item's qualities and a recommendation as to the length of time for which the decision on the export licence should be deferred, to provide UK institutions and private individuals with a chance to raise the money to purchase the item to enable it to remain in this country. It is the Secretary of State who decides whether an export licence should be granted or whether it should be deferred, pending the possible receipt of a suitable matching offer from within the UK which will lead to the refusal of the licence if it is turned down.

Since the Committee was set up in 1952, many important works of art have been retained in the UK as a result of its intervention. These embrace many different categories and, to take an illustrative selection, include Titian's *The Death of Actaeon* (1971), Raphael's *Madonna of the Pinks* (2004) and, from the British school, Reynolds' *The Archers* (2005). Not only paintings but sculpture have been retained, including *The Three Graces* by Canova (1993); antiquities, for example a 'jadeite' Neolithic axe-head brought into Britain c.4000 BC (2007); porcelain – a 102-piece Sevres Dinner Service presented to the Duke of Wellington (1979); furniture – a lady's secretaire by Thomas Chippendale (1998); silver – a Charles II two-handled silver porringer and cover, c.1660, attributed to the workshop of Christian van Vianen (1999); textiles – a felt appliqué and patch-worked album coverlet made by Ann West in 1820 (2006) and manuscripts, for example the Foundation Charter of Westminster Abbey (1980) and the *Macclesfield Psalter* (2005). This short list shows quite clearly the immense cultural and historic value of what has been achieved.

Unfortunately, and perhaps almost inevitably, some have got away. Noteworthy examples include *David Sacrificing before the Ark* by Rubens (1961), *A Portrait of Juan de Pareja* by Velasquez (1971), *Sunflowers* by Van Gogh (1986) and *Portrait of an Elderly Man* by Rembrandt (1999). Among items other than pictures that were exported are: *The Burdett Psalter* (1998); *The World History of Rashid al-Din* (1980); *The Codex Leicester* by Leonardo da Vinci (1980), and the *Jenkins* or 'Barberini' *Venus* (2003) which are all of the highest quality in their field. By any measure these are all losses to the UK of items of world significance.

Appendix B

Terms of reference of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

The Committee was established in 1952, following the recommendations of the Waverley Committee in its Report in September of that year. Its terms of reference are:

- (a) to advise on the principles which should govern the control of export of objects of cultural interest under the Export Control Act 2002 and on the operation of the export control system generally;
- (b) to advise the Secretary of State on all cases where refusal of an export licence for an object of cultural interest is suggested on grounds of national importance;
- (c) to advise in cases where a special Exchequer grant is needed towards the purchase of an object that would otherwise be exported.

Appendix C

Membership of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest during 2009/10

Lord Inglewood (Chairman)

Lord Inglewood, previously Richard Vane, has been called to the Bar and is also a Chartered Surveyor. Between 1989-1994 and 1999-2004 he was Conservative Spokesman on Legal Affairs in the European Parliament. He has chaired the Development Control Committee of the Lake District Planning Board and is Chairman of Cumbrian Newspaper Group and of Carr's Milling Industries plc. He was Parliamentary Under Secretary of State in the Department of National Heritage between 1995 and 1997. In 1999 he was elected as a hereditary member of the House of Lords, and a fellow of the Society of Antiquaries (FSA) in 2003. He owns and lives at Hutton-in-the-Forest, his family's historic house in Cumbria.

Appointed 1 December 2003; appointment expires 30 November 2011

Professor David Ekserdjian

Professor of the History of Art and Film, University of Leicester. He is an expert on Italian renaissance paintings and drawings and the author of *Correggio* (1997) and *Parmigianino* (2006). Formerly a Fellow of Balliol College Oxford (1983-86) and Corpus Christi College Oxford (1987-91), he worked in the Old Master Paintings and Master Drawings departments at Christie's in London from 1991 to 1997, and, in addition, from 1992 was Head of European Sculpture and Works of Art Department there. He was editor of *Apollo* magazine from 1997 to 2004. He has organised and contributed to the catalogues of numerous exhibitions, including *Old Master Paintings from the Thyssen-Bornemisza Collection*, (Royal Academy 1988) and *Andrea Mantegna* (Royal Academy, London and Metropolitan Museum of Art, New York, 1992). In 2004 he was made an Honorary Citizen of the town of Correggio. In 2006 he became a Trustee of the National Gallery, and since 2008 he has been the National Gallery's Liaison Trustee on the Tate Board.

Appointed 14 November 2002; appointment expired 13 November 2010; renewed to 13 November 2012

Philippa Glanville (From 2 April 2010)

Philippa Glanville FSA is currently a trustee of the Geffrye Museum, a member of the Westminster Abbey Fabric Commission, Curatorial Adviser to the Harley Foundation and President of the Silver Society. An historian and curator at the London Museum, Museum of London and Victoria & Albert Museum, she was Keeper of Metalwork at the V&A from 1989 to 1999. From 1999 to 2003 she was Academic Director at Waddesdon Manor (the Rothschild Collection), and Associate Curator at the Gilbert Collection, Somerset House. She writes regularly on silver, social history and the history of collecting; her books include *Silver in Tudor & Early Stuart England* (V&A 1990), *London in Maps* (Connoisseur/Ebury Press 1972), *Women Silversmiths 1697-1845* (with J.Goldsborough, Thames & Hudson 1991), and for the V&A, *Silver, Elegant Eating & The Art of Drinking* (1996, 2002, 2007). She has contributed to many publications including *City Merchants & the Arts 1670-1720* (Oblong/Corporation of London 2004), *Feeding Desire* (Cooper Hewitt 2006), *Les tables royales en Europe & Quand Versailles etait meuble en argent* (RMN & Chateau de Versailles 1993 & 2001), *Treasures of the English Church* (Goldsmiths Company/Holberton 2008) and *Baroque* (V&A 2009). She serves on the Advisory Council of the Mellon Centre for British Art and on the editorial board of *Apollo*.

Appointed 2 April 2010; appointment expires 1 April 2014

Johnny Van Haeften

Chairman and Managing Director of Johnny Van Haeften Ltd, the gallery specialising in 17th-century Dutch and Flemish Old Master pictures, which he has run for 32 years, since leaving Christie's. He is also on the Board of Trustees and the Executive Committee of The European Fine Art Foundation and is an advisor to the Fine Art Fund. He was Vice Chairman of the Society of London Art Dealers, is a former council member of the British Antique Dealers Association, and a former Chairman of Pictura, the pictures section of the European Fine Art Fair in Maastricht.

Appointed 28 June 2001; appointment expires 2 June 2011

Simon Swynfen Jervis

Currently a Director and Trustee of the Burlington Magazine, Chairman of the Furniture History Society, Chairman of the Walpole Society and Chairman of the Leche Trust. He previously held the posts of Acting Keeper and then Curator of the Department of Furniture at the Victoria and Albert Museum, before becoming Director of the Fitzwilliam Museum, Cambridge (1989-1995). He then served as Director of Historic Buildings at the National Trust (1995-2002). He is also an Honorary Vice President of the Society of Antiquaries of London, a Life Trustee and currently Chairman of the Trustees of Sir John Soane's Museum, and a member of the Advisory Council of the Art Fund.

Appointed 10 April 2007; appointment expires 9 April 2011; renewed to 9 April 2015

Dr Catherine Johns

Former Curator of the Romano-British collections at the British Museum. She was trained in prehistoric and Roman Archaeology, and has published and lectured extensively, especially on Roman provincial art, jewellery and silver. Her publications include *Sex or Symbol; Erotic images of Greece and Rome* (1982), *The jewellery of Roman Britain* (1996), *Horses: History, Myth, Art* (2006), *Dogs: History, Myth, Art* (2008), museum catalogues of Roman treasure finds, and more than a hundred articles in scholarly journals. She has served on the committees of the Society of Antiquaries, the Roman Society and the British Archaeological Association, and is a former Chair of the Society of Jewellery Historians.

Appointed 19 February 2003; appointment expires 18 February 2011; renewed to 18 February 2013

Tim Knox (Until 13 March 2010)

Director of Sir John Soane's Museum from 1 May 2005. Head Curator of the National Trust from 2002 to 2005 and its Architectural Historian previously. Between 1989 and 1995 he was Assistant Curator at the Royal Institute of British Architects Drawings Collection. He is a Trustee of the Pilgrim Trust and of the Stowe House Preservation Trust. He was appointed Historic Buildings Adviser to the Foreign and Commonwealth Office in 2005 and is a member of the Conseil scientifique de l'établissement public du musée et du domaine national de Versailles. He was a founding member of the Mausolea and Monuments Trust, its Chairman between 2000 and 2005 and its Patron since 2008. He regularly lectures and writes on aspects of architecture, sculpture and the history of collecting, most recently a monograph on *Sir John Soane's Museum, London* (2009).

Appointed 14 March 2002; appointment expired 13 March 2010

Professor Pamela Robertson

Senior Curator of the Hunterian Art Gallery, University of Glasgow since 1998. She was appointed Professor of Mackintosh Studies in 2003. She is a Fellow of the Royal Society of Edinburgh, a Governor of the Glasgow School of Art, and a Vice-Convenor of the Interiors and Collections Advisory Panel of the National Trust for Scotland. Previously, she was a member of the Historic Buildings Council for Scotland (1998-2002) and Chair of the Charles Rennie Mackintosh Society (2003-06). She has organised a range of exhibitions and her publications include *Charles Rennie Mackintosh: The Architectural Papers* (ed.1990); *Charles Rennie Mackintosh: Art is the Flower* (1995); *The Chronycle: The Letters of C.R. Mackintosh to Margaret Macdonald Mackintosh* (2001) and *Doves and Dreams: The Art of Frances Macdonald and J. Herbert McNair* (2006).

Appointed 2 December 2003; appointment expires 30 November 2011

Dr Christopher Wright

Dr Christopher Wright joined the Department of Manuscripts, British Library, in 1974 and was Head of Manuscripts from 2003 until his retirement in October 2005. He is a Fellow of the Society of Antiquaries (2002) and a Fellow of the Royal Historical Society (1982). His publications include *George III* (2005) and, as editor, *Sir Robert Cotton as Collector: Essays on an Early Stuart Courtier* (1997). From 1989 to 1999, he was editor of the *British Library Journal*. He served as a Trustee of the Sir Winston Churchill Archives Trust, Cambridge (2001-05) and was on the Council of the Friends of the National Libraries (2003-06). Since August 2005 he has been a Trustee of 'The Handwriting of Italian Humanists'. In October 2005 he was appointed to the Acceptance in Lieu Panel of the Museums, Libraries and Archives Council.

Appointed 20 November 2006; appointment expired 19 November 2010; renewed to 19 November 2014

Appendix D

List of independent assessors who attended meetings during 2009/10

| | |
|---|----------------|
| Professor Francis Ames-Lewis , Professor Emeritus, History of Art, Birkbeck College | Case 12 |
| Christopher Baker , Chief Curator & Deputy Director, The National Gallery of Scotland | Case 4 |
| Charles Beddington , Charles Beddington Ltd. | Case 13 |
| Doris Behrens-Abouseif , SOAS | Case 3 |
| Xanthe Brooke , Curator, European Fine Art, National Museums Liverpool | Case 13 |
| Dr Beverley Brown , Independent Scholar | Case 11 |
| Richard Cocke , Former Dean, School of World Art Studies | Case 5 |
| Howard Coutts , Keeper of Ceramics, The Bowes Museum | Case 3 |
| Zelda Cheatle , Tosca Photography Fund | Case 9 |
| David Davies , Professor Emeritus, History of Art, University of London | Case 13 |
| Sue Donnelly , Archivist, London School of Economics | Case 10 |
| Simon Edsor , The Fine Art Society | Case 4 |
| John Falconer , Head of Visual Materials and Curator of Photographs, British Library | Case 9 |
| Sam Fogg , Sam Fogg Ltd | Case 2 & 3 |
| Philippa Glanville , Independent historic metalwork scholar | Case 2 |
| Jonathan Green , Richard Green Ltd | Case 5 |
| Jonathan Harris , Ex-Harris Lindsay | Case 1 |
| Michael Hoppen , Michael Hoppen Gallery | Case 9 |
| Deborah Howard , Professor of Architectural History, University of Cambridge | Case 2 |
| Dr Tristram Hunt , Lecturer in History, Queen Mary College, University of London | Case 10 |
| Elizabeth Jameison , Independent Furniture Consultant & researcher | Case 1 |
| Rupert Maas , Maas Gallery | Case 6 |
| Phillip Mallett , University of St Andrew's | Case 7 |
| Gregory Martin , Independent art consultant | Case 15 |
| Jennifer Melville , Aberdeen Art Gallery | Case 6 |
| Philip Mould , Philip Mould Fine Paintings Ltd. | Case 14 |
| Desmond Shawe-Taylor , Surveyor of the Queen's Pictures, The Royal Collection | Case 14 |
| Anthony Speelman , Edward Speelman Ltd. | Case 5 & 11 |
| Lindsay Stainton , Independent Consultant | Case 4, 8 & 14 |
| Claire Tomalin , Writer | Case 7 |
| Julian Treuherz , Independent art historian & curator | Case 6 |
| William Vaughan , Professor Emeritus, Birkbeck College | Case 8 |
| David Watkin , Professor of History of Architecture, Cambridge University | Case 1 |
| Aidan Weston-Lewis , Senior Curator of Italian and Spanish Art, National Gallery of Scotland | Case 11 & 12 |
| Sir Christopher White , Former Director, Ashmolean Museum | Case 15 |
| Thomas Williams , Thomas Williams Fine Art | Case 12 |
| John Wilson , John Wilson Manuscripts | Case 10 |
| Joan Winterkorn , Bernard Quartich Ltd | Case 7 |
| Professor Joanna Woodall , Courtauld Institute of Art | Case 15 |
| Andrew Wyld , W.S Fine Art Ltd | Case 8 |

Appendix E

Value of items placed under deferral (2000/01 to 2009/10) (i) for which permanent licences were issued and (ii) where items were purchased by UK institutions or individuals

| (1) Year | (2) Value of items where a decision on the licence application was deferred (£m) | (3) Value (at deferral) of cases in (2) where items were licensed for permanent export (£m) | (4) Value of items in (3) as % of (2) | (5) Value of items in (2) that were not licensed for export (£m) | (6) Value (at deferral) of cases in (2) where items were purchased by UK institutions or individuals ¹ (£m) | (7) Value of items in (6) as % of (2) |
|--------------------------|---|--|--|---|---|--|
| 2000/01 | 19.3 | 12.6 | 65 | 6.6 ² | 3.7 ² | 19 |
| 2001/02 | 18.9 ³ | 11.4 ⁴ | 60 | 7.5 ⁵ | 5.4 ⁶ | 29 |
| 2002/03 | 74.9 | 23.2 | 31 | 51.7 ⁷ | 39.2 | 52 |
| July 2003/ April 2004 | 7.7 | 1.0 | 13 | 6.8 | 6.8 | 88 |
| 2004/05 | 46.4 | 30.2 | 65 | 16.2 ⁸ | 5.8 | 13 |
| 2005/06 | 15.6 | 7.3 | 47 | 8.3 | 8.3 | 53 |
| 2006/07 | 24.5 | 10.7 ⁹ | 43 | 11.8 | 7.0 | 29 |
| 2007/08 | 15.3 | 12.8 | 84 | 2.5 | 1.4 | 9 |
| 2008/09 | 15.7 | 14.2 | 90 | 1.5 | 1.5 | 10 |
| 2009/10 | 71.5 | 60.8 | 85 | 10.7 ¹⁰ | 10.1 | 14 |
| Totals | 309.8 | 184.2 | 59 | 123.6 | 89.2 | 29 |

¹ This only includes items purchased by individuals who agreed to guarantee satisfactory public access, conservation and security arrangements.

² Includes value of four cases (£2,964,362.50) where the licence application was withdrawn during the deferral period.

³ Excludes one case where the item was originally found to be Waverley but subsequently found to have been imported into the UK within the last 50 years.

⁴ Excludes value of one case (£2,000,000) where a licence was issued, but the owner subsequently sold the item to a UK institution and one case (£65,868.75) where it was subsequently discovered the items had not been in the UK for 50 years so a licence was issued in accordance with normal policy.

⁵ Includes value of two cases (£237,607.50) where a matching offer was refused and the Secretary of State therefore refused an export licence; one case (£2,000,000) where a licence was issued but the owner subsequently sold the item to a UK institution and one case (£1,815,750) where the licence application was withdrawn although no matching offer was made.

⁶ Includes value of one case (£2,000,000) where a licence was issued but the owner subsequently sold the item to a UK institution.

⁷ Includes value of two cases (£12,543,019.38) where a matching offer was refused and the Secretary of State therefore refused an export licence.

⁸ Includes value of five cases (£10,422,776) where the application was withdrawn during the deferral period.

⁹ Excludes one case where the item was originally found to be Waverley but subsequently found to have been imported into the UK within the last 50 years.

¹⁰ Includes value of one case (£554,937.50) where the application was withdrawn during the deferral period.

Appendix F

Items licensed for export after reference to expert advisers as to national importance: 1 May 2009 – 30 April 2010

| Category | Advising authority | No of Items | Total value (£) |
|---|---|-------------|-----------------|
| Arms and armour | Royal Armouries, Leeds, Associate Director | 9 | 2,091,454 |
| Books, maps etc | British Library, Keeper of Printed Books, Head of Map Collections | 25 | 4,062,100 |
| Books (natural history) | Royal Botanic Gardens, Kew, Head of Library and Archives | 1 | 97,250 |
| Clocks and watches | British Museum, Keeper of Clocks and Watches | 21 | 3,881,876 |
| Coins and medals | British Museum, Keeper of Coins and Medals | 241 | 2,962,773 |
| Drawings: architectural, engineering and scientific | Victoria & Albert Museum, Keeper of Word & Image Department | 70 | 12,669,234 |
| Drawings, prints, water-colours | British Museum, Keeper of Prints and Drawings | 339 | 142,079,392 |
| Egyptian antiquities | British Museum, Keeper of Egyptian Antiquities | 4 | 355,250 |
| Ethnography | British Museum, Keeper of Ethnography | 18 | 14,060 |
| Furniture and woodwork | Victoria & Albert Museum, Keeper of Furniture and Textiles & Fashion Department | 175 | 108,656,897 |
| Greek and Roman antiquities | British Museum, Keeper of Greek and Roman Antiquities | 3 | 152,935 |
| Indian furniture | Victoria & Albert Museum, Senior Curator of Asian Department, South & South East Asian Collection | 1 | 468,837 |
| Japanese antiquities | British Museum, Department of Asia | 7 | 663,250 |
| Manuscripts, documents and archives | British Library, Curator, Department of Manuscripts | 1,365 | 65,301,117 |
| Maritime material, including paintings | National Maritime Museum, Director of Collections | 2 | 220,000 |
| Oriental antiquities (except Japanese) | British Museum, Department of Asia | 85 | 19,564,479 |
| Oriental furniture | Victoria & Albert Museum, Senior Curator of Asian Department, Chinese Collection | 3 | 240,000 |
| Paintings, British, modern | Tate Gallery | 189 | 292,876,631 |
| Paintings, foreign | National Gallery, Director | 151 | 444,807,958 |
| Paintings, miniature | Victoria & Albert Museum, Senior Curator of Painting Section, Word & Image Department | 0 | – |
| Paintings, portraits of British persons | National Portrait Gallery, Director | 39 | 18,052,751 |
| Photographs | National Media Museum, Head | 44 | 2,826,047 |
| Pottery | Victoria & Albert Museum, Head of Ceramics & Glass Department | 34 | 2,542,489 |

| Cont. Category | Advising authority | No of Items | Total value (£) |
|--|--|--------------------|------------------------|
| Prehistory & Europe (inc. Archaeological material, Medieval and later antiquities & Metal Detecting Finds) | British Museum, Keeper of Prehistory & Europe Department of Portable Antiquities & Treasure (Metal Detecting Finds) | 17,628 | 7,837,141 |
| Scientific and mechanical material | Science Museum, Head of Collections | 4 | 745,500 |
| Sculpture | Victoria & Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department Tate Gallery (20th-century sculpture) | 60 | 8,801,150 |
| Silver and weapons, Scottish | National Museum of Scotland, Director | 0 | – |
| Silver, metalwork and jewellery | Victoria & Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department | 102 | 20,903,192 |
| Tapestries, carpets (and textiles) | Victoria & Albert Museum, Senior Curator of Furniture, Textiles & Fashion Department | 34 | 2,115,277 |
| Toys | Bethnal Green Museum of Childhood, Head | 0 | – |
| Transport | Heritage Motor Centre | 49 | 13,696,379 |
| Wallpaper | Victoria & Albert Museum, Senior Curator of Prints Section, Word & Image Department | 0 | – |
| Western Asiatic antiquities | British Museum, Keeper of Ethnography | 10 | 5,252,388 |
| Zoology (stuffed specimens) | Natural History Museum, Director of Science | 0 | – |
| Totals | | 20,713 | 1,183,937,807 |

Appendix G

Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest: 2000/01 to 2009/10

| Year | Number of Waverley items granted a permanent export licence | Value of Waverley items granted a permanent export licence (£) | Number of Waverley items purchased during deferral | Total amount spent on Waverley items purchased during deferral (£) | Number of Waverley items supported by HLF/NHMF | Support by HLF/NHMF (£) | Number of Waverley items supported by The Art Fund | Support by The Art Fund (£) | Number of Waverley items supported by MLA/V&A Purchase Grant Fund | Support by MLA/V&A Purchase Grant Fund (£) |
|-----------------------|---|--|--|--|--|-------------------------|--|-----------------------------|---|--|
| 2000/01 | 7 | 12,367,972 | 23 ¹ | 3,168,087 | 6 | 1,780,630 ² | 7 | 690,701 ³ | 2 | 5,012 |
| 2001/02 | 5 ⁴ | 11,436,169 | 21 | 2,944,208 | 18 | 1,627,956 | 19 | 69,395 | 3 | 78,000 |
| 2002/03 | 9 | 23,191,548 | 12 | 26,173,106 | 7 | 14,283,115 | 9 | 905,184 | 1 | 30,000 |
| July 2003 /April 2004 | 2 | 1,000,000 | 5 | 2,237,604 | 1 | 110,000 | 2 | 79,000 | 1 | 40,000 |
| 2004/05 | 10 | 30,193,090 | 10 | 5,825,135 | 4 | 2,577,000 | 4 | 975,000 | 1 | 3,500 |
| 2005/06 | 8 | 7,285,012 | 9 | 8,278,510 | 4 | 855,200 | 5 | 308,330 | 3 | 32,330 |
| 2006/07 | 5 ⁵ | 10,709,778 | 12 | 7,009,075 | 4 | 1,944,032 | 3 | 700,275 | 2 | 40,000 |
| 2007/08 | 7 | 12,770,031 | 8 | 1,431,256 | 6 | 471,986 | 6 | 248,750 | 2 | 50,000 |
| 2008/09 | 7 | 14,186,010 | 9 | 1,521,684 | 2 | 378,000 | 4 | 329,292 | 3 | 118,500 |
| 2009/10 | 6 | 60,813,750 | 6 | 10,119,674.47 | 2 | 186,000 | 3 | 245,100 | 1 | 17,000 |

2009/10 (detail)

| Year | Item | Purchaser | Price (£) | Support by HLF/NHMF (£) | Support by The Art Fund (£) | Support by MLA/V&A Purchase Grant Fund (£) |
|---------|--|---|------------|-------------------------|-----------------------------|--|
| 2009/10 | <i>The Eglinton Tournament</i> | East Ayrshire Council | £85,100.47 | £20,000 | £30,100 | £0 |
| 2009/10 | <i>Welsh landscape with two women knitting</i> by William Dyce | Amgueddfa Cymru – National Museum Wales | £557,218 | £166,000 | £166,000 | £0 |
| 2009/10 | Thomas Hardy typescripts | Dorset County Museum | £50,000 | £0 | £0 | £17,000 |
| 2009/10 | A Photograph by Roger Fenton, <i>Pasha and Bayadere</i> | National Media Museum | £108,506 | £0 | £49,000 | £0 |
| 2009/10 | Thomas Walker archive | British Library | £93,600 | £0 | £0 | £0 |
| 2009/10 | A Painting by Domenichino, <i>Saint John the Evangelist</i> | Private purchaser | £9,225,250 | £0 | £0 | £0 |

¹ Including a series of 13 related finds.

² Offers of grants were made for a further two items by the NHMF. In both cases, the licence applications were withdrawn.

³ Offers of grants were made for a further two items by The Art Fund. In both cases, the licence applications were withdrawn.

⁴ A licence was issued for a further item, but it was subsequently sold to a UK institution.

⁵ Includes one item where the licence was issued following receipt of satisfactory proof that it had been imported into the UK within the last 50 years.

Appendix H

Composition of the Advisory Council on the Export of Works of Art and Objects of Cultural Interest

The Chairman of the Reviewing Committee is the Chairman of the Advisory Council and the membership is as follows:

- (i) the independent members of the Reviewing Committee *ex officio*;
- (ii) the departmental assessors on the Reviewing Committee (that is representatives of the Department for Culture, Media and Sport; Department for Business, Innovation and Skills; HM Treasury; Foreign and Commonwealth Office; HM Revenue and Customs; Scottish Government Department for Culture; National Assembly for Wales Department for Culture and Northern Ireland Department for Culture);
- (iii) the Directors of the English and Scottish national collections; the National Museum Wales; the National Museums Northern Ireland and the Librarians of the National Libraries of Wales and Scotland;
- (iv) the expert advisers to the Department for Culture, Media and Sport, to whom applications for export licences are referred, other than those who are members by virtue of (iii) above;
- (v) eight representatives of non-grant-aided museums and galleries in England, Scotland, Wales and Northern Ireland, nominated by the Museums Association;
- (vi) representatives of: Arts Council England; Arts Council of Northern Ireland; Arts Council of Wales; Association of Independent Museums; National Museum Directors' Conference; Friends of the National Libraries; Heritage Lottery Fund; The National Archives; National Archives of Scotland; The Art Fund; National Fund for Acquisitions; National Heritage Memorial Fund; National Trust; National Trust for Scotland; Pilgrim Trust; MLA/Victoria & Albert Museum Purchase Grant Fund; the MLA PRISM Grant Fund for the Preservation of Scientific and Industrial Material;
- (vii) representatives of: British Academy; British Records Association; Canadian Cultural Property Export Review Board (*observer status*); Chartered Institute of Library and Information Professionals (CILIP); Council for British Archaeology; Historic Houses Association; Historical Manuscripts Commission; Museums, Libraries and Archives Council (MLA); Royal Academy of Arts; Royal Historical Society; Royal Scottish Academy; Scottish Records Association; Society of Antiquaries of London; Society of Archivists; Society of College, National and University Libraries;
- (viii) representatives of the trade nominated by the: Antiquarian Booksellers' Association (*two*); Antiquities Dealers' Association (*two*); Association of Art and Antique Dealers (*two*); Bonhams; British Antique Dealers' Association (*three*); British Art Market Federation; British Numismatic Trade Association (*two*); Christie's; Fine Art Trade Guild; Society of London Art Dealers (*two*); Society of Fine Art Auctioneers; Sotheby's.

Appendix J

Further reading

The Export of Works of Art etc. Report of a Committee appointed by the Chancellor of the Exchequer (HMSO, 1952)

Export Licensing for Cultural Goods: Procedures and guidance for exporters of works of art and other cultural goods (Museums, Libraries and Archives Council, 2010)

Export Control Act 2002 (HMSO)

The Export of Objects of Cultural Interest (Control) Order 2003 (SI 2003 No. 2759)

Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods

Export Controls on Objects of Cultural Interest: Statutory guidance on the criteria to be taken into consideration when making a decision about whether or not to grant an export licence (DCMS, November 2005)

Quinquennial Review of the Reviewing Committee on the Export of Works of Art (DCMS, December 2003)

Response to the Quinquennial Review of the Reviewing Committee on the Export of Works of Art (DCMS, December 2004)

Goodison Review – Securing the Best for our Museums: Private Giving and Government Support (HM Treasury, January 2004)

Dealing in Cultural Objects (Offences) Act 2003 (HMSO)

Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material (DCMS, October 2005)

Contracting Out (Functions in Relation to Cultural Objects) Order 2005 – Statutory Instrument 2005 No. 1103

Saved! 100 Years of the National Art Collections Fund (Richard Verdi, Scala Publishers Ltd, 1999)

Appendix K

Membership of the Working Party on Manuscripts, Documents and Archives during 2009/10

Dr Christopher Wright, Chairman

Henry Yallop, Secretary, Museums, Libraries and Archives Council

Laura McKinlay, Incoming Secretary, Museums, Libraries and Archives Council

Julia Brettell, MLA/V&A Purchase Grant Fund

Dr Patricia Croot, Institute of Historical Research

Katherine Doyle, PRISM Grant Fund, Museums, Libraries and Archives Council

Paula Brikci, Incoming PRISM Grant Fund Manager, Museums, Libraries and Archives Council

Dr Claire Breay, Curator of Medieval Historical Manuscripts, British Library

Norman James, The National Archives

Nick Kingsley, The National Archives

Maria Mourin, Cultural Property Unit, DCMS

David Park, Bonhams

Julian Rota, Antiquarian Booksellers Association

Anastasia Tennant, Deputy Head of AELU, Museums, Libraries and Archives Council

John Wilson, John Wilson Manuscripts Limited



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