



department for  
culture, media  
and sport

# EXPORT of OBJECTS of CULTURAL INTEREST 2008-09





EXPORT CONTROL ACT 2002

Presented to Parliament by the Secretary of State for Culture, Media and Sport  
Pursuant to Section 10 (1)(a) of the Export Control Act 2002

# EXPORT of OBJECTS of CULTURAL INTEREST 2008-09

DCMS aims to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

Cover Image:  
A Celtic bronze mirror

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# EXPORT of OBJECTS of CULTURAL INTEREST 2008-09

**1 May 2008 – 30 April 2009**

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- 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, Media and Sport

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I am pleased to lay before Parliament this, the fifth 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 2008 to 30 April 2009.

The UK's export controls are aimed at striking a tripartite balance between: the need to protect our heritage; the rights of owners and the encouragement of a thriving art market. The system is therefore designed to act as a safety net to protect the more important objects, whilst allowing the majority of other items to be freely exported.

I am pleased to see that, once again, we have been broadly successful in that aim during the past year.

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

Since 1954, successive governments have voluntarily published the reports of the Reviewing Committee on the Export of Works of Art and laid these before Parliament. The Committee (a non-statutory body) advises on the principles which should govern the controls on objects of cultural interest and considers all cases where there has been an objection made by an expert adviser to the granting of an export licence.

I am extremely grateful to the Committee for the detailed and thorough advice it has given me during the past year on the cases it reviewed against the 'Waverley' Criteria. We are all indebted to the Committee's Chairman, Lord Inglewood, and to all the members of the Committee and its expert advisers, who freely and generously give of their time and expertise.

In fulfilment of its independent role in providing advice on the export system, the Committee has also taken the opportunity in its section of this report to raise a number of concerns. I comment on these issues below.

### **Export of Waverley standard objects**

A total of 22 cases were referred to the Committee by expert advisers, 19 of which were subsequently found to meet the Waverley Criteria. The remaining three cases, which were found not to meet the Waverley criteria, were referred to me and I accepted the Reviewing Committee's recommendation that an export licence should be issued for each of them. Two applications, where the items were found to meet the Criteria, were withdrawn following the hearing and consequently not referred to me.

Seventeen cases were referred to me for deferral, of which I accepted the Committee's recommendations on 16 of them. The total value of the items for which export licences were deferred was £15.7m.

I did not accept the Committee's recommendations in relation to one item where I decided that an export licence should be granted, subject to certain stringent conditions being met.

Of the 16 cases which went under deferral, nine cases, with items valued at £1.5m in total, have resulted in purchases by institutions in the UK. Export licences have been issued for seven cases, valued at £14.2m.

It is very welcome news that items relating to nine of the cases which came to the Committee have been retained in the UK. This demonstrates the value of the export control system. Such a positive outcome would not, of course, have been possible without the valuable assistance of the National Heritage Memorial Fund, the Heritage Lottery Fund, The Art Fund, the MLA/Victoria & Albert Museum Purchase Grant Fund, Councils, associations of friends of museums and galleries, as well as private and corporate donors, whose generous help I am delighted to acknowledge here.

I note that the Committee considers that the douceur system should be reviewed with a view to modifications being put in place that will incentivise both buyers and sellers. Treasury Ministers keep all tax measures under review, and I have conveyed the Committee's views on the douceur to the Chancellor of the Exchequer.

I note the Committee's views on the level of funding available for acquisitions. There are some welcome shafts of light amidst the wider economic gloom: Tate recently announced that 2008-09 was the most successful on record for acquisitions for their collection.

The joint acquisition of Titian's *Diana and Actaeon* by the National Gallery and the National Galleries of Scotland is another magnificent demonstration of how very significant funds can be found for exceptional acquisitions and that generous contributions are still being made from both the private and public sector. Both the Art Fund International initiative and the Heritage Lottery Fund's *Collecting Cultures* programme are providing welcome support for acquisitions and related skills development in museums. Audiences across the country are being given access to excellence in contemporary art through the touring programme of the Artist Rooms programme, for which the nation owes thanks to the profound generosity of Anthony d'Offay.

In addition, the Acceptance in Lieu scheme has continued to ensure that an exceptional range of pre-eminent objects have been taken into public ownership. In the 2008-09 tax year 36 offers were accepted, resulting in items with a value of just under £20m coming into public ownership in perpetuity. This is £4.6m more than the previous tax year and resulted in individuals settling a little under £11m in tax. I am delighted to record that the objects accepted under the scheme have been distributed to museums throughout the UK.

I note the Committee's concerns that occasionally items which have come before them, been export-deferred and then purchased by a public body had previously been offered for sale at a lower price, and I agree that museums and galleries should make every effort to acquire items before they reach the stage of export deferral.

All of this needs to be viewed in the context of the wider infrastructure of public collections. Our ongoing investment in national museums and galleries will be sustained through to 2010-11 and the *Renaissance in the Regions* programme has reversed decades of decline in England's regional museums. This is the right place to record the Government's profound gratitude to all those bodies and individuals mentioned in the Report who have so generously made the listed acquisitions possible. I very much hope that generous individuals, businesses, trusts and foundations will continue to offer their invaluable support for the acquisition of Waverley-quality objects, despite the rigours of the current financial climate. I want to place on record my appreciation of the passion, commitment, scholarship and expertise of museum professionals, staff, volunteers and supporters across the country.



**Ben Bradshaw**  
Secretary of State for Culture, Media and Sport

## Operation of the control

The following figures cover the period of this report (1 May 2008-30 April 2009).

		1 May 2008- 30 April 2009	1 May 2007- 30 April 2008
(a)	Number of applications for individual export licences <sup>1</sup>	12,015	12,236
(b)	Number of above applications which were for manuscripts, documents or archives	1,518	1,444
(c)	Number of items licensed after reference to expert advisers on the question of national importance	23,123	32,330
(d)	Total value of items in (c)	£1,279,318,431	£2,111,129,690
(e)	Number of Open Individual Export Licences issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives	16	16
(f)	Number of items licensed after the Export Licensing Unit was satisfied of import into the UK within the past 50 years	12,726	14,333
(g)	Total value of items in (f)	£7,410,302,718	£6,297,615,224
(h)	Number of items in (f) which were manuscripts, documents or archives	2,245	1,281
(i)	Total value of items in (h)	£123,000,424	£96,612,684
(j)	Number of items given an EU licence without reference to the question of national importance because they were valued at below the appropriate UK monetary limit <sup>2</sup>	3,701	2,707
(k)	Total value of items in (j) <sup>2</sup>	£3,837,586,801	£1,840,307,871

<sup>1</sup>One application may cover several items.

<sup>2</sup>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.



department for  
**culture, media  
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# Report of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

**1 May 2008 – 30 April 2009**

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To:  
Rt Hon Ben Bradshaw MP  
Secretary of State for Culture, Media and Sport

55th Report of the  
Reviewing Committee

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

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## **MEMBERS OF THE COMMITTEE 2008-09**

Lord Inglewood (Chairman)

Professor David Ekserdjian

Mr Simon Swynfen Jervis

Dr Catherine Johns

Mr Tim Knox

Professor Pamela Robertson

Mr Johnny Van Haeften

Dr Christopher Wright

## **SECRETARY**

Ms Frances Wilson

## **POSTAL ADDRESS**

Secretary

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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](http://www.mla.gov.uk)*

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# PART I:

## Reviewing Committee Report for 2008-09

1 May 2008 – 30 April 2009

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### 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

There were no changes in membership of the Committee during the 2008-09 reporting year (up until the end of April 2009). One member was re-appointed for a third term: Johnny van Haeften to run from 3 June 2008 to 2 June 2011. 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 once more 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 this reporting year 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.

The Committee's work falls into two distinct parts. The first focuses generally on the working of the system of export control and the second advises the Secretary of State on individual cases. In this section of the report we will make some general observations on the system before going on to discuss the cases we have heard this year.

### OBSERVATIONS ON THE WORKING OF THE SYSTEM OF EXPORT CONTROL

While much of the Committee's time is taken up with case hearings, it is important not to overlook its wider and equally important remit to keep a watching brief over the workings of the export control system and advising the Secretary of State.

As we explain in more detail in Appendix A, the character of the Waverley system is a trigger mechanism, as opposed to a mandatory right of pre-emption. The system provides one final period of time for the acquisition of items which are judged to be national treasures and whose export would be a misfortune.

#### Committee's recommendations for aiding acquisitions

The Committee welcomes measures such as the *douceur* system, which was devised to encourage owners to sell to UK public bodies through private treaty sales rather than sell on the open market.

However, we are concerned that the passage of time and current circumstances mean it is not as effective as it was intended to be. In part, the impact of this incentive is much reduced by changes in rates of tax. The result of this has been that it has become more difficult in many instances for public institutions to buy. We therefore believe that this mechanism should be reviewed with a view to modifications being put in place that will incentivise both buyers and sellers, as was envisaged in the Waverley report of 1952.

The Committee believes that the tax system should not merely be a means for raising revenue, but should also promote other government policies at the same time and be a means for developing our national cultural capital. It should be seen as a mechanism for underpinning the policies which have been adopted to protect the national heritage, by creating an environment which enables UK institutions to make acquisitions actively rather than passively.

In particular, we believe that the *douceur* should apply in any case where tax can be offset through transferring ownership of a cultural object to the nation. We also think that the Acceptance in Lieu scheme should be expanded to allow offers of cultural items to offset not just inheritance tax, but other taxes as well.

The Committee is especially concerned that business archives may come onto the market in the current troubled economic times, the proceeds of whose sale are likely to be subject to corporation tax where the *douceur* arrangements do not apply. The Minton Archive is one of these. Documenting nearly two centuries of ceramic design and production, it includes thousands of original drawings and watercolours by artists associated with Minton.

### **Wider economic context**

The economic turbulence of the last 18 months impacts on our work in at least three ways. First, it is all too likely to reduce the amount of public money available for acquisitions. Second, it will affect the market price

of works of art which may become available, and this may vary considerably from sector to sector. Third, it will impact on philanthropy. Given the effect of the 'credit crunch' and its consequences on the public finances, it is arguably more important than ever before that private giving to assist with acquisitions should be encouraged. Against the backdrop of deepening economic recession, the joint acquisition of Titian's painting *Diana and Actaeon* by the National Gallery and the National Galleries of Scotland, with generous contributions from both public and private donations, demonstrates that fundraising can succeed in even the most difficult of climates.

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

Regrettably, we are aware that occasionally items which have come before the 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, 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.

### **Waverley criteria**

In our guidance to exporters we are now presenting the Waverley criteria in a new tabular format (see Appendix A). We have done this to make it clear that the three Waverley criteria used to measure an object's outstanding importance are not mutually exclusive, nor is any one criterion more important than the others. An object need only meet one criterion to be deemed of Waverley standard. The first criterion is concerned with historical importance, the second with aesthetic importance and the third relates to importance for scholarship. The references to 'Waverley one', 'Waverley two' and 'Waverley three' should not be interpreted as indicating a hierarchical ranking.

### 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. We are giving further thought to these proposals before taking any steps towards implementation.

## 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 purchasing items placed under deferral 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 role 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 2008-09 the NHMF made awards that exceeded income and had to deplete its already diminished endowment fund further. In 2009-10 the Fund will re-pay £3m of the grant-in-aid that it receives back into the endowment fund to begin to rebuild it. That will leave £7m, and after making a stage payment for the acquisition of Titian's *Diana and Actaeon* in April 2009, it is left with just £4m to defend the most outstanding parts of our national heritage in 2009-10.

In 2008-09 the NHMF contributed £178,000 to support Towneley Hall Museum and Art Gallery in the purchase of a bust of Charles Townley by Joseph Nollekens, and £200,000 towards the British Library's purchase of a journal and charts of Sir John Narbrough, both of which were placed under deferral following a recommendation by the Committee. Other significant NHMF grants included £2.2m to Tate towards their purchase of the Rubens sketch of the Banqueting House ceiling.

### 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.

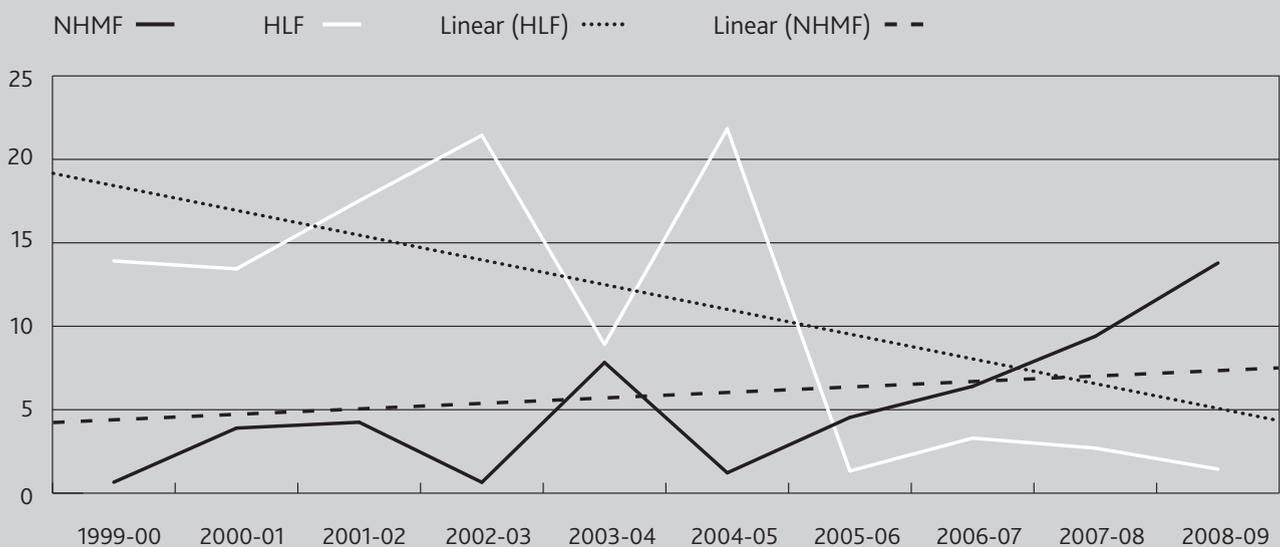
HLF has £180m per annum up to 2013 which is the lifetime of its current strategic plan, for projects aimed at preserving and making accessible the nation's heritage. It is prepared to make grants of up to 90 per cent of the total cost for grants up to £1m and, for larger requests, grants may be awarded of up to 75 per cent. Recently HLF made a grant of £92,600 towards the National Portrait Gallery's purchase of the only substantial portrait of Mary Seacole. Another highlight is the grant of £200,000 towards the purchase of works of Laurence Sterne, the author of *Tristram Shandy*.

The table and graph opposite 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 archive material. The decline in spending on acquisitions through HLF reflects the general decline in the amount of lottery money available.

In addition, HLF has allocated over £3m for 22 projects lasting up to five years under their Collecting Cultures initiative. This supports the strategic development of museum collections, not just funding for purchases, but also for staff development and public engagement with collections.

Year	NHMF (£ millions)	HLF (museums/galleries) (£ millions)	HLF (manuscripts/archives) (£ millions)	Total (£ millions)
1999-2000	0.66	12.92	0.99	14.57
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

#### NHMF AND HLF SPEND ON ACQUISITIONS 1995-96 TO 2009-09



**iii) The Art Fund**

The Art Fund is an independent charity that exists to save art for everyone to enjoy. It receives no funding from government or the Lottery, and instead relies on subscriptions from over 80,000 members. Since it began in 1903 it has helped to save over 860,000 works of art for UK public collections. In 2008-09, The Art Fund contributed almost £330,000 to help secure ten export-stopped items for the nation, including £93,750 towards Towneley Hall Art Gallery and Museum's purchase of the aforementioned bust of Charles Townley by Joseph Nollekens; £8,000 towards Canterbury City Council's purchase of a Celtic bronze mirror; £102,527 towards the purchase of seven Vionnet dresses by The Bowes Museum, the Victoria and Albert Museum and the Fashion Museum, Bath; and £125,000 to help purchase a pair of Queen Anne giltwood stools for the Victoria and Albert Museum.

**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 2008-09, it made 145 awards totalling £1,019,758. During the period of this report, seven items which had been placed under deferral following a recommendation of the Reviewing Committee came within its remit. The Fund contributed £30,000 towards the purchase of a manuscript of Cavalli's opera *Erismena* in English translation by the Bodleian Library, and £17,500 toward Canterbury City Council's purchase of a Celtic bronze mirror. It also contributed £50,000 to the Fashion Museum, Bath, and £21,000 to the Bowes Museum towards their purchase of five Vionnet dresses.

The Purchase Grant Fund is always greatly oversubscribed and it is regrettable that its budget, standstill at £1,000,000 since 1995, has been cut by 10 per cent by MLA for 2009-10. This takes it to its lowest level since 1979, when its budget was £823,000 (equivalent to approximately £3m in today's prices).

**v) Other grant-making bodies**

Other grant-making bodies may also provide funding towards items which have been placed under deferral following a recommendation of the Reviewing Committee. In 2008-09, the Friends of the National Libraries contributed £4,000 towards the Bodleian Library's purchase of the Cavalli manuscript mentioned above.

**vi) The Acceptance in Lieu scheme**

The Acceptance in Lieu scheme enables 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. In 2008-09, 36 cases were completed, ensuring that just short of £20m of important objects and archives have entered public collections. The items accepted included important works by Titian, Bordone, Bosschaert, Van Dyck, Guardi, Gainsborough, Reynolds, Millet and Millais, along with leading contemporary UK artists including Frank Auerbach, Howard Hodgkin and David Hockney. Seven archives cover aspects of British history from the 13th to the 20th century and include the papers of a Prime Minister (Henry Addington) and a leading nuclear physicist (Sir Joseph Rotblat) who was awarded the Nobel Peace Prize in 1995. Full details of all the works of art and the archives accepted through the scheme in 2008-09 can be found on the MLA website at [www.mla.gov.uk](http://www.mla.gov.uk).

**vii) Private Treaty Sales**

If a heritage object is sold on the open market, the vendor may be liable to Capital Gains 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 one of its predecessors, or an item which is deemed 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 benefits are shared. The vendor receives the amount that he or she 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.

Schedule 3 to the Inheritance Tax Act 1984 lists those museums that are able to benefit from a *douceur* when acquiring works of art that are subject to either Inheritance Tax or Capital Gains Tax on sale. Given the number of museums which for various reasons now fall outside this list, there are an increasing number of public museums 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 3 June 2009. The main issue discussed was the decision by the Museums, Libraries and Archives Council to relocate the majority of the posts in the Acquisition, Export and Loans Unit out of London. There was unanimous and emphatic opposition to this decision. There was also a discussion about the storage of old export licence applications. The discussions were followed by two presentations on the theme of acquisition in a recession. James Sproule, an economist in the City of London, spoke about the effects of the economic downturn on the art market, and Dr Nicholas Penny, Director of the National Gallery, spoke about the recent fundraising campaign by the National Gallery and the National Galleries of Scotland to purchase Titian's *Diana and Actaeon*. The Council also considered the draft of the Reviewing Committee's Annual Report for 2008-09. 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.'

For membership of the Working Party on Manuscripts, Documents and Archives, see Appendix K.

The Working Party usually meets annually, although it may meet more frequently if necessary. It met most recently on 18 May 2009 when it considered the

operation of the new standard for submitting copies of manuscripts in digital format. At the time of the meeting this standard had been in operation for one year. The Working Party concluded that the standard had been successful, but that there would be a larger uptake of submitting images in digital format if export licence applications could be made electronically.

The Working Party then looked at sources of 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 Grant Fund, the Friends of the National Libraries, the Secretary of the Acceptance in Lieu Panel and The National Archives' sales catalogue 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**

The MLA/V&A Purchase Grant Fund reported that in 2008-09 50 applications had been received and 23 grants totalling £229,627 were paid to 20 different organisations, enabling purchases costing nearly £750,000 to go ahead.

#### **ii) The MLA PRISM Grant Fund**

The MLA PRISM Grant Fund supports the acquisition and conservation of material relating to all fields of the history of science, technology, industry and medicine. During 2008-09, it was able to make five grants for the acquisition of archival or similar material, although two were subsequently withdrawn. The remaining three totalled £3,425. No applications were received in 2008-09 for the conservation of archival material. There were also three cases where archives were included as part of the acquisition price, but were not the primary focus of the application. These three totalled £13,600.

#### **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. During 2008-09 they committed grants totalling £135,998 from the Operating Fund and £25,000 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 £320,000 in 2008-09.

#### **v) The Acceptance in Lieu scheme**

The Acceptance in Lieu scheme is also an important means of retaining archival material within the UK. During 2008-09, seven offers in lieu of tax were completed which involved archival material. The acceptance of these settled over £1.3m of tax.

#### **vi) The 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 2008-09, 49 items were purchased by 27 different repositories as a result of notifications. However, there were 29 unsuccessful bids, as repositories were outbid or dealers had already disposed of stock.

The Working Party strongly endorses the work of these sources of help 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 a matter raised by one of its members regarding the necessity for overseas dealers who are exhibiting at book fairs in the UK to obtain export licences for items which are being brought into the country purely for the purpose of the fair. It was agreed that the matter should be investigated further and discussed again at next year's meeting.

Finally, in light of a recent case, the Working Party discussed the future of commercial and industrial archives, about which there was widespread concern. It noted that these were often of great importance and hoped that more could be done at a national level to assist with their preservation and acquisition by museums and archives.

**TABLE 1**

The statistics below show the figures for the number of cases from 1999-2000 to 2008-09.

(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)
1999-2000	18	13	10	77	4.5	3	23	5.0
2000-01	37	34	27	79	6.6	7	21	12.6
2001-02	34	30 <sup>1</sup>	25	83	7.5	5	17	11.4 <sup>2</sup>
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 <sup>3</sup>	14 <sup>4</sup>	74	11.8	4	21	10.7
2007-08	18	16	9 <sup>5</sup>	56	2.5	7	44	12.8
2008-09	22	16	9	56	1.5	7	44	14.2
<b>TOTALS</b>	<b>255</b>	<b>202</b>	<b>139</b>	<b>69</b>	<b>117.4</b>	<b>62</b>	<b>31</b>	<b>128.4</b>

<sup>1</sup> 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.

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

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> Includes one case where the licence application was refused at the end of the first deferral period because the owner refused to confirm that he/she was willing to accept a matching offer from a UK purchaser.

**TABLE 2**

The statistics below show the figures for the values associated with cases from 1999-2000 to 2008-09.

(1) Year	(2) Cases where a decision on the licence application was deferred	(3) Value of items in (2) (£m)	(4) No of cases where items were acquired by institutions or individuals in the UK <sup>6</sup>	(5) Value (at deferral) of items in (4) (£m)	(6) Value of items in (4) as % of (3) (£m)	(7) Cases where application was refused or withdrawn after announcement of Secretary of State's decision	(8) Value of items in (7) (£m)
1999-2000	13	9.5	6	0.5	5	4	4.0
2000-01	34	19.3	23	3.7	19	4	2.9
2001-02	30 <sup>7</sup>	18.9	22 <sup>8</sup>	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 <sup>9</sup>	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
<b>TOTALS</b>	<b>202</b>	<b>247.8</b>	<b>118</b>	<b>79.6</b>	<b>32.1</b>	<b>25</b>	<b>39.4</b>

<sup>6</sup>This only includes items purchased by individuals who agreed to guarantee satisfactory public access, conservation and security arrangements.

<sup>7</sup>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.

<sup>8</sup>Includes one case where a licence was issued but the owner subsequently sold the item to a UK institution.

<sup>9</sup>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.

## PART II: Operation of the Control

### EXPORT LICENCE APPLICATIONS

During the period covered by this report (1 May 2008 to 30 April 2009):

- there were 12,015 applications for export licences
- 1,518 of these applications were for the export of manuscripts, documents or archives
- the applications covered a total of 39,550 items
- 23,123 items with a value of £1,279,318,431 were issued with export licences after they had been referred to expert advisers
- 16 Open Individual Licences were issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives
- 12,726 items with a value of £7,410,302,718 were issued with export licences after the Export Licensing Unit was satisfied that they had been imported into the UK within the past 50 years
- 2,245 of these items with proof of import were manuscripts, documents or archives, with a total value of £123,000,424
- 3,701 items, with a value of £3,837,586,801 were given an EU licence without reference to the question of national importance because they were valued at below the appropriate UK monetary limit.

### CASES REFERRED TO THE COMMITTEE

During the year under review, 27 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 27 cases referred to the Committee in 2008-09, five were withdrawn before they reached the stage of consideration by us. The other 22 cases were considered at eight 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 some particular branch of art, learning or history?
<b>Waverley 1</b>	<b>Waverley 2</b>	<b>Waverley 3</b>

#### Items found to meet the Waverley criteria

We found that of the 22 cases which we considered, 19 met at least one of the Waverley criteria. These are listed below. We starred three of them (cases 5, 9 and 21 below) as a sign of their outstanding importance, to indicate that especially great efforts should be made to retain them in the UK.

**Case 2:** The papers of James Bruce, 8th Earl of Elgin (met third criterion)

**Case 4:** A pair of bronze statues by Cipriani, *Medici Venus* and *Dancing Faun* (met third criterion)

**Case 5:** A bust of Charles Townley by Joseph Nollekens (met second and third criteria, starred)

**Case 6:** A William Hamilton Shortt regulator (met third criterion)

**Case 7:** A manuscript of Cavalli's opera *Erismena* in English translation (met third criterion)

**Case 8:** A painting by Lucas Cranach the Elder, *Portrait of a Lady* (met second and third criteria)

**Case 9:** A mid-Victorian desk and chair used by Charles Dickens (met first criterion, starred)

**Case 10:** A pair of Queen Anne giltwood stools (met third criterion)

**Case 11:** A George I gilt-gesso twelve-light chandelier (met third criterion)

**Case 12:** A painting by J M W Turner, *Pope's Villa at Twickenham* (met first and third criteria)

**Case 13:** A pastel by Rosalba Carriera, *Portrait of Sir James Gray* (met second and third criteria)

**Cases 15 and 16:** Four dresses designed by Madeleine Vionnet, and Seven dresses designed by Madeleine Vionnet (met second and third criteria)

**Case 17:** A Celtic bronze mirror and two fibulae (met first and third criteria)

**Case 18:** The Courtenay Compendium (met third criterion)

**Case 19:** An Insular copper alloy animal mount (met second and third criteria)

**Case 20:** A Romano-British statuette of a horse and rider (met second and third criteria)

**Case 21:** A manuscript journal and charts of Sir John Narbrough (met first and third criteria, starred)

**Case 22:** Insignia of the Order of the Lion and the Sun (met second and third criteria).

#### **Items found not to meet the Waverley criteria**

Three items were found not to meet any of the Waverley criteria. These were:

**Case 1:** A George III silver salver engraved with the arms of Captain Cook

**Case 3:** A painting by John Constable, *Willy Lott's House*

**Case 14:** A pair of George III mahogany wine coolers on stands.

#### **Items where the licence application was withdrawn following the case hearing**

Of the 19 applications for items which were found to meet the Waverley criteria, two were withdrawn following the hearing and consequently not referred to you. These were:

**Case 8:** A painting by Lucas Cranach the Elder, *Portrait of a Lady*;

**Case 9:** A mid-Victorian desk and chair used by Charles Dickens.

#### **Waverley items referred to the Secretary of State**

Seventeen cases were referred to your predecessor for deferral and he accepted our recommendations on 16 of them. The aggregate value of the items deferred was £15.7m. He did not accept our recommendation on one of the items. This was:

**Case 2:** The papers of James Bruce, 8th Earl of Elgin. After giving due consideration to the Committee's recommendation and also to other representations that had been made directly to him, your predecessor decided that in this particular case an export licence should be granted for the papers, subject to certain conditions. Further information can be found in the individual case history below.

#### **Deferred items that were acquired**

Of the 16 cases where items were deferred, the following nine resulted in acquisitions by institutions or individuals in the UK. We are pleased that none of the starred items have been exported out of the UK.

**Case 5:** A bust of Charles Townley by Joseph Nollekens purchased by Towneley Hall Art Gallery and Museum for £308,750 including £178,000 from the NHMF, £93,750 from The Art Fund and £15,000 from the Henry Moore Foundation

**Case 6:** A William Hamilton Shortt regulator purchased by National Museums Liverpool for £72,217 including £36,108.50 from the Friends of National Museums Liverpool

**Case 7:** A manuscript of Cavalli's opera *Erismena* in English translation purchased by the Bodleian Library for £85,000 including £30,000 from the MLA/V&A Purchase Grant Fund, £10,000 from the Friends of the Bodleian Library, and £4,000 from the Friends of the National Libraries

**Case 10:** A pair of Queen Anne giltwood stools purchased by the Victoria and Albert Museum for £337,250 including £125,000 from The Art Fund and £26,595 from the London Historic House Museums Trust

**Cases 15 and 16:** Nine dresses designed by Madeleine Vionnet, purchased by the Victoria and Albert Museum (four dresses), the Fashion Museum in Bath (two dresses) and the Bowes Museum (three dresses) for a total of £351,398.81 including £102,527 from The Art Fund and £71,000 from the MLA/V&A Purchase Grant Fund (funds could not be raised for two other dresses and export licences were issued for these two)

**Case 17:** A Celtic bronze mirror and two fibulae purchased by Canterbury City Council for the Museum of Canterbury for £35,000 including £17,500 from the MLA/V&A Purchase Grant Fund, £8,000 from The Art Fund, and £5,000 from the Headley Trust

**Case 20:** A Romano-British statuette of a horse and rider purchased by the British Museum for £22,066.81 including £20,000 from the British Museum Friends

**Case 21:** A manuscript journal and charts of Sir John Narbrough purchased by the British Library for £310,000 including £200,000 from the NHMF.

The nine cases where items were purchased have a total value of £1.5m (value price at deferral), which represents ten per cent of the total value of objects placed under deferral and 56 per cent in number.

#### **Deferred items that were subsequently exported**

Unfortunately, funds could not be raised for 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 4:** A pair of bronze statues by Cipriani, *Medici Venus* and *Dancing Faun* (£5,000,000)

**Case 11:** A George I gilt-gesso twelve-light chandelier (£337,250)

**Case 12:** A painting by J M W Turner, *Pope's Villa at Twickenham* (£5,417,250)

**Case 13:** A pastel by Rosalba Carriera, *Portrait of Sir James Gray* (£641,978.65)

**Case 18:** The Courtenay Compendium (£937,250)

**Case 19:** An Insular copper alloy animal mount (£52,281.37)

**Case 22:** Insignia of the Order of the Lion and the Sun (£1,800,000).

The seven cases where export licences were issued have a total value of £14.2m, which represents 90 per cent of the total value of objects placed under deferral and 44 per cent in number.

#### **Consideration of an item where there had not been an objection under the Waverley criteria**

The Committee also considered one case of a manuscript for which there had not been an objection to export under the Waverley criteria. The application had been referred to an expert adviser, who considered that, although the manuscript did not meet the Waverley criteria, it was of sufficient national importance that it should not be exported without a copy being provided for deposit at the British Library. The applicant was unwilling to provide a copy on the grounds that the manuscript was very fragile and photocopying or otherwise generating images would cause irreversible damage. The case was referred to the Reviewing Committee in accordance with paragraph 13 of the *Procedures and Guidance for Exporters of Works of Art and Other Cultural Goods*. Prior to the meeting, a manuscript preservation specialist was asked to assess the manuscript and provide a written report. The specialist stated that the manuscript was in a fragile condition and any additional handling, including copying, would damage it further and would have to be entirely at the new owner's risk. After considering the case, the Reviewing Committee decided that the manuscript did not meet the Waverley criteria and that an export licence should be granted in this particular circumstance without a copy being required. A licence for the manuscript was granted. Subsequently, the new owner generously provided a copy of the manuscript for deposit at the British Library.

#### **UNRESOLVED CASES FROM PREVIOUS YEARS**

At the time of writing our 2006-07 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 investigation by HM Revenue & Customs into information provided to the Committee had been concluded. This investigation is ongoing.

# Individual export cases

## Case 1

### **A GEORGE III SILVER SALVER ENGRAVED WITH THE ARMS OF CAPTAIN COOK**

The salver is made of silver and is circular in shape with a shell and scroll border and three pad feet. The diameter is 31.1 cm. It is engraved with the coat of arms of Captain James Cook, RN, FRS, incorporating a terrestrial globe centred on the Pacific Ocean between two pole stars on a shield; the crest of an arm embowed in naval uniform holding the Union flag with the motto 'CIRC ORBEM' (Around the World), the motto 'NIL INTENTATEM RELIQUIT' (He left nothing unattempted) below. The salver has London hallmarks for 1764-65.

The applicant had applied to export the salver to Australia. The value shown on the export licence application was £74,687.50, which represented the hammer price at auction plus buyer's premium and VAT on the buyer's premium.

The Acting Keeper of the Department of Sculpture, Metalwork, Ceramics and Glass at the Victoria and Albert Museum, acting as expert adviser, had objected to the silver salver's export under the third Waverley criterion on the grounds that the salver was associated with the British navigator and explorer Captain James Cook RN, who was of outstanding significance in British naval and imperial history.

The expert adviser stated that although the salver might have been in the Cook household during Captain Cook's lifetime, the coat of arms must have been engraved between 1785 and 1790 after Cook's death. Captain Cook's armorial bearings were granted in 1784 on the application of Elizabeth Cook, his widow, to be borne by his descendants. Of the six children born to James and Elizabeth Cook only three survived to young adulthood and none married, so he left no descendants. This engraved salver was amongst the effects Elizabeth Cook left to her sole residuary beneficiary (and legatee), John Leach Bennett of Merton, the husband of her second cousin, Ursula

Cragg (née Smith). It was thereafter passed down through the family until consigned to Christie's in 2007. To the expert adviser's knowledge it had never been on public display.

The objection to the export of the salver was based on the association with Captain James Cook, a great pioneer of the eighteenth century still celebrated and commemorated more than 200 years after his death in 1779 as an outstanding national figure.

The applicant countered that the salver's only association with Captain Cook was by virtue of its reputed ownership by his widow and by the engraving of his posthumously-granted coat of arms. It was not a relic of his voyages or directly associated with them.

In itself the salver was of common design and a typical piece of silverware common to many middle class households of the time. The engraving was fine but not of any outstanding aesthetic importance.

The coat of arms was known from its use on the Cook monument in Whitby, from Captain Cook's bookplate, and from various watercolour copies of it. The bookplate was pasted into Captain Cook's bible and is found in a copy of Thomas Hobbes's *Philosophical rudiments concerning government and society*, London, 1651. A portion of the coat of arms was incorporated into an abridged 1785 edition of Cook's *Third Voyage*, London, 1785.

In the applicant's view there was little if anything to be learned from the salver itself.

We heard this case in May 2008 when the salver was shown to us. We found that although the coat of arms was very interesting, the association with Cook and his achievements was too tenuous. We found that the salver did not meet any of the Waverley criteria. An export licence was issued.

**Case 2****THE PAPERS OF JAMES BRUCE,  
8<sup>TH</sup> EARL OF ELGIN**

The papers of James Bruce, 8th Earl of Elgin, as governor in chief of British North America (Canada), comprise both official papers from the period of his governorship (1846-54) as well as private letters from him to members of his family at the same period, and letters and journals of theirs which illuminate his governorship. Also included are the papers of his brother Sir Frederick Bruce as envoy to Washington, 1865-67 and of his son Victor Alexander, 9th Earl of Elgin, as colonial secretary, 1905-08, relating to Canada. The papers consist of about 2,000 individual documents in all, together with a number of diaries, albums and other items.

The applicant had applied to export the papers to Canada. The value shown on the export licence application was £111,400, which represented a total value consisting of the agreed sale price of six of the items and open market values for a further eight items to be gifted as part of the agreement between the owner and the purchaser.

The Head of Modern Historical Manuscripts at the British Library, acting as expert adviser, had objected to the export of the papers under the first and third Waverley criteria on the grounds that they were so closely connected with our history and national life that their departure would be a misfortune, and that they were of outstanding significance for the study of the history of 19th-century British imperialism.

The expert adviser said that the papers were an integral part of an historic archive of national importance and that their removal would damage the integrity of the whole. As well as their importance for the study of the history of British imperialism, they were also important for the study of British-North American relations in particular, and of the career of a notable British diplomat and colonial governor of the period.

The expert adviser also told us that Lord Elgin had been a colonial governor and diplomat of the British Empire for over 20 years, who had served in Jamaica, British North America, India, China and Japan. His archive as a whole covered all of these appointments, but the portion of it which was the subject of the export licence application related to the second of them. It illuminated a key period in the history of British North America and its move to independence through the establishment of 'responsible government' within the British Empire. It also provided insight into Elgin's own life and his perception of himself as a public servant.

The applicant's representative did not accept that the papers met any of the Waverley criteria. She said that, of the 14 groups of letters and papers within the archive, 10 related to colonial affairs and were more closely connected to the history of Canada than that of Britain. These 10 groups were connected to British national life only in so far as Elgin had been Queen Victoria's representative in the colony. The remaining four groups related mostly to family matters and contained only scattered references to Elgin's work in British North America. In the applicant's opinion, the collection could not be described as outstanding when compared to other collections relating to 19th-century British North America, particularly during the Victorian era.

The applicant's representative also told us that the purchaser of the 8th Earl of Elgin's North American Papers was planning to digitise their contents and publish them online. The archive's departure from Britain would therefore not be a misfortune, nor would it entail the loss of valuable research material.

A representative from Libraries and Archives Canada (LAC) submitted a briefing note to the Committee prior to the hearing, explaining the historical significance of the papers to Canada. He also attended the meeting and spoke in support of the application. He told us why the Elgin Papers were considered to be of fundamental importance to that country's history

and national life. The papers had been created by Canada's most important governor in the 19th century and documented a critical point in its development when it was moving from the characteristics of a colony towards finding its own independence. Under Elgin, the first real attempts to establish 'responsible government' in Canada had been made. The representative asked us to think in terms not of the history of any one nation, but of the history of the Commonwealth and its shared heritage. He also described LAC's intention to ensure that the papers were cared for in the best possible way and to supply the National Archives of Scotland with high-quality copies, and to digitise them in order to make them available to both the Canadian and the UK public.

The National Archives of Scotland (NAS) also made a written submission to the Committee prior to the hearing in support of the proposal by LAC to supply high quality copies and to make digitised images available. NAS had worked with LAC on an agreement to facilitate access to the papers.

In summary, LAC, supported by NAS, proposed that:

- i)** the papers would be digitised, with images available in both countries, including the NAS search rooms and the British Library
- ii)** the image would also be available online and free of charge to researchers across the world
- iii)** NAS and LAC would jointly catalogue all the papers and make the catalogue available online; LAC would catalogue the Canadian material, the National Register of Archives for Scotland, an arm of NAS, would catalogue the rest
- iv)** NAS and LAC would jointly develop an Elgin website with images and catalogue, explaining the diplomatic, political and public service of the 8th Earl
- v)** a protocol would be developed for the temporary return of the exported papers for exhibitions or other publicity purposes.

The intended destination of the Elgin Papers, the importance to Canada's national life and history and the terms of the proposed agreement fell outside the Committee's remit, which was limited to providing advice to the Secretary of State on whether or not the Elgin papers met any of the Waverley criteria. Representations on matters outside the remit of the Committee were matters for consideration by the Secretary of State.

We heard this case in June 2008 when a representative sample of the papers was shown to us. We found that the papers met the third Waverley criterion because of their importance for the study of British imperial history. 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 £111,400 (excluding 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 papers, the deferral period should be extended by a further three months.

The Secretary of State gave due consideration to the Committee's recommendation on the Waverley criteria and also to representations that had been made directly to him concerning wider issues that fell outside the Committee's remit, including the details of the proposed agreement between LAC and NAS. In this particular case, the Secretary of State was satisfied that the national interest could be met by the terms of the agreement proposed by LAC and supported by NAS. He decided that an export licence should be granted for the Elgin Papers, subject to the condition that the participants entered into a legally binding agreement in accordance with the terms of the proposal.

Subsequently, a legally binding agreement was drawn up and an export licence was issued.

**Case 3****A PAINTING BY JOHN CONSTABLE,  
WILLY LOTT'S HOUSE**

The painting is oil on canvas and measures 33.7 x 42.6 cm. It was painted in about 1802.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £350,000, which represented an estimate. However, at the meeting the applicant said that he wished to revise the value to £500,000 because of the general rise in the art market since the application had been made.

The Curators of 18th- and 19th-century Art at Tate, acting as expert advisers, had objected to the painting's export under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

The expert advisers said that the painting was a work of outstanding importance in Constable's career because of its subject matter, its significance as an example from Constable's plein-air sketching campaign in 1802, and the possibility that it might have been one of the works he had exhibited (as yet unidentified) at the Royal Academy in 1803.

It was the first representation in Constable's art of a view around Flatford Mill, and the first representation of the house of Willy Lott, which was to form an important ingredient of so many of his celebrated later works.

The expert advisers also said that the painting was one of seven small-scale landscape studies made during Constable's plein-air sketching campaign of 1802, in which he resolved to cease "seeking the truth at second hand" and instead adopt a more naturalistic approach to landscape. These seven studies represented a critical link in the development of landscape painting in Britain at the turn of the 19th century.

The applicant said that he did not deny that the picture was a beautiful example of Constable's early work, but that there was no shortage of comparable works in UK public collections.

We heard this case in July 2008 when the painting was shown to us. We found that it did not satisfy any of the Waverley criteria. An export licence was issued.

**Case 4****A PAIR OF BRONZE STATUES BY  
PIETRO CIPRIANI, MEDICI VENUS  
AND DANCING FAUN**

The statues are actual-size bronzes after the antique of the *Medici Venus* and *Dancing Faun*, on separately cast square bronze plinths. They were cast by Pietro Cipriani (c. 1680-1745) in Florence. The *Medici Venus* is 155.25 cm high and is signed and dated on the back of the plinth PETRVS CIPRIANI FORMAVIT ET FVDIT FLORENTIÆ/ A·S· MDCCXXIV. The *Dancing Faun* is 143.5 cm high overall and is also signed and dated on the back of the plinth with the same inscription.

The applicant had applied to export the pair of statues to the USA. The value shown on the export licence application was £5,000,000, which represented an agreed sale price.

The Senior Curator of Sculpture at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the statues under the second and third Waverley criteria on the grounds that they were of outstanding aesthetic importance, and of outstanding significance for the study of 18th-century British collecting of classical sculpture.

The expert adviser told us that Cipriani had assisted the great Florentine bronze sculptor Massimiliano Soldani-Benzi (1656-1740) in the casting of bronze copies of these same antique statues for the Duke of Marlborough's house at Blenheim in 1709. By the 1720s Cipriani was working independently as a master

bronze-caster, supplying copies of antique sculptures in bronze and plaster to British visitors to Florence.

The antique *Venus* was probably first recorded in the Villa Medici in Rome in 1620. By 1638 it had been taken to Florence and installed in the Uffizi Gallery. It is thought to be a copy, perhaps Athenian, dating from the first century BCE, of a bronze original deriving from a type by Praxiteles or one of his followers.

The antique *Dancing Faun* was known by at least 1657, and had been installed in the Tribuna by 1688. It was thought to be a third-century copy of a bronze original, with head and arms probably being 16th-century restorations once erroneously attributed to Michelangelo.

The expert adviser said that the immaculate quality and condition of these two sculptures testified to Cipriani's prowess as a bronze-caster and finisher. The hair of both figures was finely tooled, recalling goldsmith's work. The straps on the Faun's cymbals had a similar delicately textured finish, and his legs exhibited a smooth, defined musculature, while the feet showed the outline of the veins. The Venus's ideal beauty was accentuated by her elongated fingers and the curve of her back. Both bronzes had a luminescent gold-brown patina and a sinuous quality of composition and line, complementing one another and amply justifying their pairing.

The expert adviser also told us that the two bronzes had been commissioned in 1722 for Thomas Parker, 1st Earl of Macclesfield (1666-1732) by his son, the Hon. George Parker. They were intended for display in the sculpture gallery being constructed at Shirburn Castle, Oxfordshire. No more moulds had been made of these two classical figures after those taken for the Duke of Marlborough, because of fears of damage to the originals. Lord Macclesfield's versions were therefore made from existing casts, probably indeed those produced by Soldani.

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

We heard this case in June 2008 when the statues were shown to us. We found that they met the third 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 £5,000,000 (excluding 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 statues, the deferral period should be extended by a further four months.

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

### Case 5

#### **A BUST OF CHARLES TOWNLEY BY JOSEPH NOLLEKENS**

The marble bust is a posthumous portrait of the 18th-century antiquarian Charles Townley, by the sculptor Joseph Nollekens. It measures 45.6 cm in height, and is signed and dated to the side and back '*Nollekens Ft 1807*', and inscribed on the front 'CHARLES TOWNLEY' and in ancient Greek beneath: 'To know the past enables a person to understand correctly the present'.

The applicant had applied to export the bust to the USA. The value shown on the export licence application was £308,750, which represented an agreed sale price.

The Senior Curator of Sculpture at the Victoria and Albert Museum, acting as expert adviser, had objected to the bust's export 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 Charles Townley and Joseph Nollekens.

The expert adviser told us that Charles Townley (1737-1805) was a keen collector of antiquities and one of the most important collectors of his time. He undertook the Grand Tour three times, buying antiquities in Rome, and also made purchases in London from dealers and important sales. He built one of the great collections of Graeco-Roman sculpture, which he left to the British Museum where it remains today part of the core of the museum's collection of antiquities. At a time when the study and acquisition of antique sculpture was at its height in Britain, Townley stood out as one of the prime figures.

The expert adviser described Joseph Nollekens (1737-1823) as one of the foremost portrait sculptors of his age. He had studied ancient sculpture in Rome, and was able to incorporate and assimilate classical features into his own work. While in Rome he met Charles Townley, and the two men developed a mutual liking and respect.

Nolleken's bust of Townley, made two years after the subject's death, revealed a seriousness of expression befitting a posthumous portrait, and the subtle carving conveyed an impression of intellect and acuity. Townley was depicted with a fleshy muscular face, eyes with incised pupils, and two warts on each cheek. This powerful naturalism, achieved by using a death mask, was combined with classicising features: the bare chest, the lack of a wig, and the herm form with Greek inscription. It was this fusion of the natural and the classical, so well suited to its subject, that gave the bust its powerful impact.

The expert adviser also told us that two other lesser versions of the same subject were recorded: one, dated 1811, was in the British Museum, and another, also dated 1811, had once been in the British Museum but had been destroyed in 1941. The surviving one of these two was markedly inferior in quality to, and less monumental than, the present bust.

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

We heard this case in June 2008 when the bust was shown to us. We found that it met the third Waverley criterion and recommended that it should be starred, meaning that every possible effort should be made to raise funds to keep it in the UK. 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 £308,750 (excluding 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 bust, the deferral period should be extended by a further three months.

We were subsequently informed that the bust had been purchased by Towneley Hall Art Gallery & Museum with assistance from the Stocks Massey Bequest, the Towneley Hall Society, the Dilettanti Society, the Henry Moore Foundation, The Art Fund, the National Heritage Memorial Fund and private donors.

## Case 6 A WILLIAM HAMILTON SHORTT REGULATOR

The regulator is a complete precision 'free pendulum' clock system made of brass, steel, glass, wood, copper, and electrical components. The free pendulum tank is 140 cm high and the slave clock is 128 cm high. It was designed by William Hamilton Shortt (1882-1971) and manufactured c. 1925 by the Synchronome Co. Ltd.

The applicant had applied to export the regulator to Switzerland. The value shown on the export licence application was £70,100, which represented the hammer price of £58,000 plus buyer's premium of £12,100.

The Senior Specialist in Horology at the National Maritime Museum, acting as expert adviser, had objected to the regulator's export 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 scientific and technological history.

The expert adviser said that the regulator was William Hamilton Shortt's own clock, which had always belonged to him, and that the alterations to it had therefore been carried out under his ownership. It was complete but of a somewhat non-standard format, employing a more typical Synchronome electric clock as a slave, and in this sense was unique. The instrument was important because of what it could reveal about Shortt's work to adjust, maintain and experiment with it over nearly half a century. Alterations made to the clock suggest that he had used it for experiments on the oscillation of pendulums, the implications of which went beyond timekeeping and related to other areas of study such as the effects of gravity.

The expert adviser explained that the Shortt clock system, created in England in the early 1920s, was of great international importance, both technically and culturally. From the early 1920s to the late 1940s this type of clock system was the most accurate time standard available anywhere. For the purpose of research into the technology and thinking behind this important design, there could not be a more significant example to study than the one belonging to the creator of the system.

The applicant's representative did not accept that the regulator met the Waverley criteria. She did not consider it to be so closely connected with our history and national life that its departure would be a misfortune, because it had been in a private collection and had never been associated with any public institution. Neither did the applicant accept that it was of outstanding significance for study, since there were other, more important, Shortt regulators already in the collections of various UK museums.

We heard this case in June 2008 when the regulator was shown to us. We found that it met the third Waverley criterion on the grounds that it was of outstanding significance for the study of Shortt's contribution to accurate timekeeping and his related scientific experiments on other subjects such as gravity. 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 £70,100 (excluding 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 regulator, 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 regulator by the National Museums Liverpool. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the regulator had been purchased by the National Museums Liverpool with assistance from the Friends of the National Museums Liverpool and the National Museums Liverpool Purchase Fund.

#### Case 7 **A MANUSCRIPT OF CAVALLI'S OPERA *ERISMENA* IN ENGLISH TRANSLATION**

The music manuscript consists of 176 leaves of good quality paper in a contemporary goatskin binding and measures 218 x 289 mm. The music is by the Italian composer Pietro Francesco Cavalli (1602-1676). The original Italian text, by Aurelio Aureli (fl. 1652-1708) is not present, and in its place is an anonymous English translation. Based on an assessment of the binding, the manuscript has been dated to between 1660 and 1675.

The applicant had applied to export the manuscript to the USA. The value shown on the export licence application was £85,000, which represented an agreed sale price.

The Curator of Music Manuscripts, The British Library, and the Curator of Music Collections, The British Library, acting as expert advisers, had objected to the export of the manuscript 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 music and theatre in England.

The expert advisers told us that *Erismena* had first been performed in Venice in 1655, and that several manuscript copies of the work were known in Italy. This manuscript was a unique source, as far as was known, for an English version of the opera. In place of the original Italian text was a full singing English translation in an as-yet unidentified scribal hand. It was prefaced by an allegorical Prologue, unique to this manuscript, which featured a different cast of characters from those in the Italian libretti, and suggested that this English version may have been intended for a Royal audience.

The expert advisers said that the manuscript was of national importance because it was the earliest extant score of an opera in the English language. It was also the earliest example of the importing of Italian opera into England, and the earliest known English translation of an Italian libretto. The prologue was also the earliest example of an opera prologue in English with extant music. The expert advisers said that there were no comparable manuscripts already in the UK in either public or private collections.

In his written submission the applicant said he did not know whether or not the manuscript met the Waverley criteria.

We heard this case in July 2008 when the manuscript was shown to us. We found that it met the third Waverley criterion. 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 £85,000. 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 manuscript, 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 manuscript by the Bodleian Library. A decision on the export licence application was deferred for a further two months. We were subsequently informed that the manuscript had been purchased by the Bodleian Library with assistance from the Friends of the Bodleian, the Friends of the National Libraries, the MLA/V&A Purchase Grant Fund and various private donors.

#### **Case 8 A PAINTING BY LUCAS CRANACH THE ELDER, *PORTRAIT OF A LADY***

In July 2008 we considered an application to export a painting by Lucas Cranach the Elder, *Portrait of a Lady*. We concluded that the painting satisfied both the second and third Waverley criteria. The application for an export licence was subsequently withdrawn. Consequently, no decision on the application has been made by the Secretary of State.

#### **Case 9 A MID-VICTORIAN DESK AND CHAIR USED BY CHARLES DICKENS**

In September 2008 we considered an application to export a mid-Victorian desk and chair which had been used by Charles Dickens. We concluded that the desk and chair met the first Waverley criterion, and that

they should be starred, meaning that every effort should be made to raise funds to keep them in the UK. The application for an export licence was subsequently withdrawn. Consequently, no decision on the application has been made by the Secretary of State.

### Case 10 **A PAIR OF QUEEN ANNE GILTWOOD STOOLS**

The stools are made of carved and gilt beech (oil-gilt over traces of original water-gilding), each upholstered with a lipped platform supporting a cushion. They retain most of the original upholstery of crimson velvet lined with silk and trimmed with silk lace and fringe. They were made in England c. 1705, the frames perhaps by Thomas Pelletier or Gerrit Jensen. Each stool is 62 cm high (including the cushion), 66 cm wide and 48 cm deep.

The applicant had applied to export the pair of stools to the USA. The value shown on the export licence application was £347,268.75, which represented the hammer price at auction plus buyer's premium and VAT on the buyer's premium.

The Deputy Keeper and a Senior Curator of the Furniture, Textiles and Fashion Department at the Victoria and Albert Museum, acting as expert advisers, had objected to the export of the stools under the third Waverley criterion on the grounds that they were of outstanding significance for the study of furniture and upholstery.

The expert advisers told us that the stools were a rare survival of the highest-quality (possibly royal) early 18th-century upholstery from a full suite of 'state' bedroom furniture at Warwick Castle, the rest of which remained together (but with extensive alterations). The stools each retained their original valanced cover, secured to the lipped platform by four ribbon bows in the corners – a treatment unknown in any other set of furniture. The cushion on one of the stools was substantially unaltered and was the only one in the set to retain its original 'boxed' form. The advisers

explained that upholstery of this age rarely survived intact because it was so fragile, and was often subsequently altered, making this pair of stools a remarkable survival. The stools therefore added greatly to our understanding of the making and use of a suite of this extraordinary grandeur.

The applicant had stated in a written submission that she did not believe that the stools met the first Waverley criterion. The pair in question was one of three, with the remaining two pairs still in the collection at Warwick Castle. She said that the rest of the suite, which also included a state bed and a pair of armchairs, was not currently in the building or room for which it had originally been designed.

The applicant also said that, in her opinion, the stools were not of outstanding significance for study because four others from the suite remained at Warwick Castle, where they could be studied within the context of an entire furnishing scheme, as well as the constructional techniques, gilding and upholstery for individual items. The applicant cited several other cases where suites of seat furniture had been divided and allowed to leave the country, such as Houghton Hall and Hagley Hall.

We heard this case in November 2008 when the stools were shown to us. We found that they met the third 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 £337,250 (excluding 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 stools, 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 stools by the Victoria and Albert Museum. A decision on the export licence application was deferred for a further three months. We were subsequently informed

that the stools had been purchased by the Victoria and Albert Museum (from the Brigadier Clark Fund) with assistance from The Art Fund, London Historic House Museums Trust and a generous private donation.

#### Case 11

### **A GEORGE I GILT-GESSO TWELVE-LIGHT CHANDELIER**

The giltwood chandelier is 124 cm high and just over 100 cm in diameter and incorporates holders for twelve candles. It retains its original scheme of water-gilding under a single re-gilding scheme, with recent re-touching. It was made in about 1719 and is traditionally attributed to James Moore (c. 1670-1726). One arm is a 19th-century replacement.

The applicant had applied to export the chandelier to the USA. The value shown on the export licence application was £337,250, which represented the hammer price at auction plus buyer's premium.

The Deputy Keeper and a Senior Curator of the Furniture, Textiles and Fashion Department at the Victoria and Albert Museum, acting as expert advisers, had objected to the chandelier's export 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 early 18th-century giltwood furniture.

The expert advisers told us that the chandelier was an outstanding example of baroque giltwood furniture made in London in the early 18th century. It was almost certainly one of two which had been supplied to James Brydges, 1st Duke of Chandos in 1719 for the chapel of his home at Cannons, Edgware, one of the most luxurious houses of the time. Following the collapse of the family fortunes, it was included in the famous sale of the contents of Cannons in 1747. It was then acquired by Cholmley Turner for the chapel of the hospital or alms houses which had been founded by his uncle Sir William Turner in Kirkleatham, North Yorkshire in 1676. The expert advisers said that the chandelier was a

rare example of superb quality giltwood furniture made in London in the early 18th century, with an exceptionally full history. It demonstrated outstanding virtuosity in wood carving and gilding, and, unusually, retained all the original detail cut 'in the white' despite later re-gilding schemes. It was an exceptional survival of a form of furniture which was rare in British collections and which offered particularly rich scope for research. The skill in carving and gilding which had flourished in the first half of the 18th century in London still awaited major study and a piece such as this which offered the possibility of a dated and provenanced benchmark would be a vital resource.

The applicant did not agree that the chandelier met the Waverley criteria. She said that it could not be considered to have a close connection with our history and national life because the setting for which it had probably originally been created, the chapel at Cannons, no longer survived. Neither did she agree that the chandelier's association with the chapel at Sir William Turner's Hospital, Kirkleatham, was significant because the chandelier had not arrived there until after 1747. In addition, the attribution of the chandelier to James Moore was unproven, as there was no bill of sale.

The applicant also said that the chandelier was not of outstanding aesthetic importance because it was not in its original state, the present gilding scheme being a 19th-century water re-gilding. Also, one of the large branches was a 19th-century replacement, as was the metal lower finial. Nor was it of outstanding significance for study because the work of James Moore was already well represented in the Royal Collection. The applicant provided a list of six other early 18th-century English giltwood chandeliers currently on public display, including one still hanging in its original Gibbs setting in St Bartholomew's Hospital, London.

We heard this case in November 2008 when the chandelier was shown to us. We found that it met the third Waverley criterion because of its importance for the study of chandeliers and of the history of carved giltwood furniture. 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 £337,250 (excluding 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 chandelier, the deferral period should be extended by a further three months.

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

#### Case 12

### **A PAINTING BY J M W TURNER, POPE'S VILLA AT TWICKENHAM 1808**

The painting is oil on canvas, 91.5 x 120.6 cm and signed lower left: "I M W Turner RA PP". It was painted in 1808 and depicts the home of the English poet Alexander Pope beside the Thames at Twickenham, in the process of being demolished.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £5,417,250, which represented the hammer price at auction plus buyer's premium.

The Curator of 18th- and 19th-century British Art at Tate, acting as expert adviser, had objected to the painting's export 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 relationship between painting and poetry.

The expert adviser told us that the painting was important to our history and national life by virtue of its original purpose as a memorial. Turner had painted it to express the distress he felt at the destruction of the home of the poet Alexander Pope (1688-1744). Pope's villa had been commissioned in 1719 using the proceeds from his translation of Homer's *Iliad*, and he had lived in it for a quarter of a century. Lady Howe, who had purchased the villa in the early 19th century, was so bothered by the tourists and admirers of Pope who still came to see it that in 1808 she had it demolished, for which act of vandalism she was widely reviled as 'Queen of the Goths'.

The expert adviser also told us that the special qualities of this painting had been recognised by Turner's contemporaries from its first appearance, and that it had been considered to be among the best of British art at the time. Turner gave his permission for prints to be made from the painting, showing that he himself valued it highly. When it was engraved in 1811 for John Britton's *Fine Arts of the English School*, Turner suggested to the author that a note might be added "as to the state of the grotto that grateful posterity from age to age may repair what remains." The painting was not just a memorial to Pope and his villa, but was also about the wider subject of the concept of our national heritage. Turner had been one of the first artists in this country to press for cultural heritage preservation.

The expert adviser also said that the painting was of outstanding significance for the study of the relationship between painting and poetry that was strongly felt by the Romantics, acknowledging in particular the tradition of Augustan poetry and culture in its particular landscape setting.

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

We heard this case in November 2008 when the painting was shown to us. We found that it met the first 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 £5,417,250 (excluding 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 13

#### **A PASTEL BY ROSALBA CARRIERA, PORTRAIT OF SIR JAMES GRAY**

The pastel is on paper, measures 56 cm x 45.8 cm, and was made about 1744-46. It depicts Sir James Gray, 2nd Baronet (c. 1708-73) while he was British Resident in Venice.

The applicant had applied to export the pastel to the USA. The value shown on the export licence application was £582,000, which represented an agreed sale price in US dollars, converted into sterling.

The Curator of Paintings at the Victoria and Albert Museum, acting as expert adviser, had objected to the pastel's export 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 both the artist and the sitter.

The expert adviser said that the portrait was of outstanding aesthetic importance as an exceptionally accomplished and well-preserved example of a pastel portrait of a British patron by an internationally renowned and pre-eminent pastelist of the early 18th century. It was one of Carriera's finest pastels, in excellent condition, and with a psychological depth not found in her earlier works.

The expert adviser also said that the portrait was of outstanding significance for study because Carriera had been influential in promoting a taste for pastel painting in Britain. The sitter, Sir James Gray, had been British Resident in Venice and a founder member of the Dilettanti Society, which embodied the significant influence that the Grand Tour of Italy had exerted on British taste. The portrait represented an important conjunction of artist and sitter, and was therefore significant for the study of the cultural history of the UK, particularly with reference to the Grand Tour.

The applicant disagreed that the pastel met the Waverley criteria. He said that, in his view, the portrait was not closely connected with our history and national life because the sitter was an interesting but minor personality of peripheral importance. He also told us that there were a good number of other very beautiful and well-preserved works from Carriera's maturity in the UK in public or publicly-accessible collections. The majority of those were important works of significant sitters and virtually all remained within the Grand Tour collections and in the houses for which they had originally been acquired. The portrait of Sir James Gray appeared never to have formed part of such a collection. Therefore, within the context of Carriera's oeuvre, and taking into consideration other works in British collections, both private and public, he did not consider the portrait to be of outstanding significance as a heritage item.

We heard this case in December 2008 when the pastel 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 £641,978.65. This price was the agreed price in dollars converted into sterling at the exchange rate applicable on the date of the case 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 pastel, 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 pastel by the Barber Institute of Fine Arts. A decision on the export licence application was deferred for a further three months.

During the second deferral period we were informed that the Barber Institute of Fine Arts had withdrawn its expression of interest. We were not aware of any other potential purchasers. An export licence was therefore issued.

#### Case 14

### **A PAIR OF GEORGE III MAHOGANY WINE COOLERS ON STANDS**

The pair of English oval mahogany wine coolers on serpentine-legged mahogany stands are fitted with enamelled metal liners and lacquered brass mounts. Each cooler stands 65 cm high, 72 cm wide and 50 cm deep. They were probably made by Samuel Norman (fl. 1746-67) some time between 1763 and 1766. The mounts, in the shape of satyr-masks and ram-heads and feet, have been tentatively attributed to William Tovey of Birmingham (fl. 1765-73).

The applicant had applied to export the pair of wine coolers to the USA. The value shown on the export licence application was £1,075,368.75, which represented the hammer price at auction plus buyer's premium and VAT on the buyer's premium.

The Keeper of the Furniture, Fashion and Textiles Department at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the coolers under the third Waverley criterion on the grounds that they were of outstanding significance for the study of furniture history.

The coolers were brought to the hearing in mid-conservation, with the mahogany bowls and stands stripped of their brass mounts, which were presented separately.

The expert adviser told us that that the pair of wine coolers were significant for study as objects attributed to London furniture maker Samuel Norman, with brass mounts attributed tentatively to William Tovey, a Birmingham brass-founder. They were probably the ones supplied by Samuel Norman in about 1763-66 to Sir Lawrence Dundas (c. 1710-81), one of the leading British patrons of his age. Very little research had been done to date on the manufacture of metal mounts in Britain during the 18th century, so these pieces were all the more important as the first instances yet proposed of William Tovey's work. Even though unproven, the possible identification to Tovey made these mounts exceptionally rare.

The expert adviser also said that the most remarkable attribute of the wine coolers was the condition of the mounts, which were exceptional in retaining their original lacquered surface. The survival of the original lacquer, seemingly untouched for almost 250 years, was little short of miraculous, and made the coolers a critical reference point for the original appearance of English brass-mounted furniture of this period.

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

We heard this case in December 2008 when the pair of wine coolers was shown to us. We agreed that the survival of the original lacquer finish on the mounts was remarkable, but was not significant enough for the coolers to meet the third Waverley criterion. We found that the coolers did not satisfy any of the Waverley criteria. An export licence was issued.



**Plate I** A pair of bronze statues by Cipriani, *Medici Venus* and *Dancing Faun*

**Plate II** A bust of Charles Townley by Joseph Nollekens



**Plate III** A William Hamilton Shortt regulator

**Plate IV** A manuscript of Cavalli's opera *Erismena* in English translation





**Plate V** One of a pair of Queen Anne giltwood stools

**Plate VI** A George I gilt-gesso twelve-light chandelier





**Plate VII** A painting by J M W Turner,  
*Pope's Villa at Twickenham*

**Plate VIII** A pastel by Rosalba Carriera,  
*Portrait of Sir James Gray*



**Plate IX** Dresses designed by Madeleine Vionnet

**Plate X** A Celtic bronze mirror and two fibulae



**Plate XI** The Courtenay Compendium

**Plate XII** An Insular copper-alloy animal mount

**Plate XIII** A Romano-British statuette of a horse and rider

**Plate XIV** A manuscript chart of Sir John Narbrough



**Plate XV** Insignia of the Order of the Lion and the Sun



**Cases 15 and 16****FOUR DRESSES DESIGNED BY MADELEINE VIONNET, AND SEVEN DRESSES DESIGNED BY MADELEINE VIONNET**

The eleven dresses were designed by the Parisian couturier Madeleine Vionnet (1876-1975) between 1929 and 1938. They are made from a range of fabrics, including tulle, cotton organdie, lace and floral printed silk.

The applicant had applied for two licences to export the dresses to the USA. The first application (Case 15) was to export four dresses and the value shown on the export licence application was £88,709.67, which represented an agreed sale price in US dollars, converted into sterling. The second application (Case 16) was to export seven dresses and the value shown on the export licence application was £269,019.68, which also represented an agreed sale price in US dollars, converted into sterling.

The Keeper of the Furniture, Textiles and Fashion Department at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of all eleven dresses under the second and third Waverley criteria, on the grounds that they were of outstanding aesthetic importance, and of outstanding significance for the study of fashion history.

The expert adviser said that the dresses were superior examples of provenanced couture wear from one of Europe's greatest couture houses and were still in excellent condition. Madeleine Vionnet had been one of the greatest couturiers of the 20th century. She worked for several Parisian fashion houses before setting up her own couture salon in 1912, creating original designs for individual clients. Her dresses were much in demand by European aristocrats and wealthy North Americans, who valued their highly sophisticated cut and construction. Her greatest contribution to fashion was her invention of the bias cut, which allowed the fabric to cling to and move with the female form. In 1925 British *Vogue* wrote:

"The genius of Vionnet is expressed in the complicated cut of her gowns and the simplicity of their lines." Many late-20th-century designers have paid tribute to Vionnet, including Ossie Clarke, Issey Miyake and John Galliano.

The expert adviser also said that, as well as being of outstanding aesthetic importance, the dresses were significant for study because they demonstrated a variety of fabrics and dressmaking techniques, such as smocking, embroidery, scalloped hems, and multiple tiers of lace. Together they showed the impressive range of Vionnet's skill and the qualities which made her 'the designer's designer': precise cut, delicate construction and superb attention to finishing details. The expert adviser told us that the eleven dresses had been purchased from Madeleine Vionnet by a single British owner between 1929 and 1938, and that other dresses designed by Vionnet from the same collection had in the past been exported without an objection being raised. The objection to the export of these eleven dresses was based upon their excellent condition and their range of textiles and techniques, unmatched by other Vionnet dresses already in UK public collections.

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

We heard this case in December 2008 when the dresses were shown to us. We found that each one individually met both the second and third Waverley criteria. We recommended that the decisions on the two export licence applications 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 £449,385.05. This price was the total agreed dollar price for all eleven dresses, converted into sterling at the exchange rate applicable on the date of the case 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 any of the dresses, the deferral period for those dresses 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 all eleven of the dresses by the Victoria and Albert Museum, The Bowes Museum and the Fashion Museum, Bath. A decision on the export licence applications was deferred for a further three months. We were subsequently informed that nine of the eleven dresses had been purchased.

The following four dresses were purchased by the Victoria and Albert Museum:

- Blue and red floral printed silk afternoon dress, Vionnet, 1931; purchased with the support of the Friends of the V&A
- Cream tulle ballgown with velvet swallow design, Vionnet, 1935; purchased with the support of a generous individual and The Art Fund
- White flowers on black net ballgown, attributed to Vionnet, c. 1935
- Cre amorgandie and black Chantilly lace ballgown and matching muff, (Lesage), attributed to Vionnet, 1935; purchased with the support of the Director's Circle.

The following three dresses were purchased by The Bowes Museum with assistance from The Art Fund, the MLA/V&A Purchase Grant Fund, The Friends of the Bowes Museum, and individual donors:

- Gold-coloured tulle evening dress embroidered with pale coloured silk floss, Vionnet, 1929
- Blue and red poppies printed on chiffon floor length evening dress, Vionnet, 1934
- Black Chantilly lace evening dress with appliqué of black velvet bows, Vionnet, 1938.

The following two dresses were purchased by the Fashion Museum, Bath, with assistance from the

MLA/V&A Purchase Grant Fund, The Art Fund, Bath and North East Somerset Council, the West of England Costume Society, and the support of private individuals:

- Cream tulle floor length ballgown with mock-smocked bodice, Vionnet, 1934
- White organdie ballgown, embroidered with motif of bouquets of flowers and sheaves of wheat, Vionnet, 1938.

At the end of the second deferral period, no offer to purchase the two remaining dresses had been made and we were not aware of any serious intention to raise funds. These were:

- Coffee-coloured tulle evening dress embroidered with autumn-coloured silk floss, Vionnet, 1929
- Shell pink tulle with Catherine wheel embroidery evening dress, Vionnet, 1929.

An export licence for these two dresses was therefore issued.

#### Case 17

### **A CELTIC BRONZE MIRROR AND TWO FIBULAE**

The mirror dates to the later Iron Age, specifically 75-25 BC. It is made of copper-alloy and comprises two component parts: a roughly circular sheet copper-alloy plate engraved with Celtic ornament, and a cast copper-alloy handle. The decoration on the plate is arranged within a lyre-loop design, and the pattern is defined by a pair of engraved lines with cross-hatching between them. A border line runs along the edge of the plate which is defined in the same way. The plate measures 126 mm x 136 mm in diameter. The handle is 72 mm long, 52 mm wide at the arms, and 29 mm at the loop. The mirror and the two associated fibulae, or brooches, were found together in a grave in Kent.

The applicant had applied to export the mirror and fibulae to the USA. The value shown on the export licence application was £35,000, which represented an estimate.

The Curator of British and European Iron Age Collections at the British Museum, acting as expert adviser, had objected to the export of the mirror 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 late Iron Age in Britain.

The expert adviser told us that the mirror had been discovered by a metal detectorist in a shallow cremation grave at Chilham Castle in Kent in 1993. As the only Iron Age mirror to have been discovered in Kent, it was especially important for the study of this type of object. Only 17 complete decorated mirrors dating from the Iron Age had been found in Britain. This was one of the earliest, and was especially significant because it came from a known context which was subsequently investigated by archaeologists using modern excavation techniques.

The expert adviser also told us that the mirror was a particularly important example of the uniquely British 'mirror style' of decoration. The cross-hatching was unusual and was therefore important for understanding the development of the 'mirror style'.

The expert adviser explained that the reflective surface of the mirror would originally have been a shiny gold colour, suggestive of sunlight. It had been found in a high-status grave, and may have had a religious, as well as a utilitarian, function. It was an important example of a rare and quintessentially British type of object, which would add significantly to our understanding of the sophisticated art and the complex society of Late Iron Age Britain.

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

We heard this case in February 2009 when the mirror was shown to us. We found that it met the first 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 £35,000 (excluding 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 mirror, 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 mirror and fibulae by Canterbury City Council. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the mirror and fibulae had been purchased by Canterbury City Council for the Museum of Canterbury with assistance from the MLA/V&A Purchase Grant Fund, The Art Fund, the Headley Trust and local sources.

### **Case 18 THE COURTENAY COMPENDIUM**

The Courtenay Compendium is a late-14th-century English decorated manuscript containing important texts relating to early British history and accounts of medieval travellers in the Near East and Far East. It is written in ink on vellum in double columns, with a later binding of vellum over boards, and measures 272 x 190 mm.

The applicant had applied to export the manuscript to Switzerland. The value shown on the export licence application was £937,250, which represented the hammer price at auction plus buyer's premium.

The Head of Medieval and Earlier Manuscripts in the Department of Western Manuscripts at the British Library, acting as expert adviser, had objected to the export of the Courtenay Compendium under the third Waverley criterion, on the grounds that it was of outstanding significance for the study of the early history of Britain and its relations with the wider world, and for the textual study of its many components.

The expert adviser told us that the manuscript contained major texts for the early history of Britain and several works relating to the Far East and Medieval Islam. Some of these were rare or even unique. The Compendium may have been assembled by a monk in the Augustinian priory at Breamore in Hampshire in order to provide his house with a scholarly collection of important historical texts. These were possibly copied from sources in the library of Glastonbury Abbey. At the dissolution of the Monasteries, Braemore Priory was granted to Henry Courtenay, Marquess of Exeter, and the Compendium was certainly in the possession of his descendants in the 18th century. It has been unknown to scholars of Anglo-Saxon history until recently.

The expert adviser said that the most significant text in the Compendium was the unique medieval witness to the revised version of the *Encomium of Queen Emma*, an anonymous biography of the woman who was wife to both King Aethelred the Unready and, later, King Cnut. Another important inclusion was Gildas's *Ruin and Conquest of Britain*, a polemical account of the Anglo-Saxon invasions written by a sixth-century British monk.

According to the expert adviser, the inclusion of eastern texts in the Compendium added to its importance, as they occurred in very few medieval English manuscripts. Marco Polo's account of his travels on the Silk Road was central to the West's perception of Asia for many centuries, but was known in only four other manuscripts of English origin. *The State of Saracens and Mohammedans* by William

of Tripoli, a Dominican monk in the convent of Acre in the 13th century, contained a positive presentation of Muslim life and faith. These texts were key to understanding English perceptions of the Near and Far East during the Middle Ages.

The applicant did not disagree that the Courtenay Compendium met the Waverley criteria.

We heard this case in February 2009 when the Courtenay Compendium was shown to us. We found that it met the third Waverley criterion because of its importance for the study of medieval historical scholarship. 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 £937,250. We also 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 Compendium, the deferral period should be extended by a further three months. We further recommended that, should no purchaser come forward, the export licence should be granted on the condition that the applicant first provide a copy of the entire manuscript for deposit at the British Library.

At the end of the initial deferral period, no offer to purchase the Compendium had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued, after the applicant had supplied a copy of the Compendium for deposit at the British Library.

#### Case 19

### AN INSULAR COPPER-ALLOY ANIMAL MOUNT

The cast copper-alloy mount takes the form of an animal with splayed legs and a projecting head, seen from above. This animal outline is filled with multiple levels of decoration: each of the four splayed legs are themselves animal heads, interlacing snakes form a

central square field, and between these are further beasts, skilfully adapted to fit the various spaces available. The reverse is undecorated and has three lugs for attachment. The mount measures 67 mm long x 43 mm wide x 14 mm high (including the lugs) and weighs 49.6 g. Dating to the eighth or ninth century, it lacks the secondary alterations often found on similar pieces. It was found at an unspecified site in North Yorkshire, an unusual context for a piece of this type, and had probably originated in Ireland.

The applicant had applied to export the mount to the USA. The value shown on the export licence application was £40,000 which represented a private sale price.

The Keeper of Archaeology, National Museums Scotland, acting as expert adviser, had objected to the export of the mount 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 the early medieval period in Britain and Ireland.

The expert adviser told us that the mount retained much of its original gilding and the details of its complex and unique design survived perfectly clearly. The decoration was in the Insular style, a fusion of elements from Celtic and Germanic art of early medieval Britain, but the design itself was without parallel in Insular art. The expert adviser said that there were other similar mounts in the national collections of Britain, Ireland and Scandinavia but none of comparable quality or design was known from an English find spot. In his opinion, the discovery of an Insular-style piece of metalwork in North Yorkshire was very significant and was likely to be the product of Viking activity and perhaps evidence of links between Dublin and York.

The applicant disagreed that the mount met the Waverley criteria. He said that it had been manufactured in Ireland for a Viking patron and therefore had a minimal connection to UK history.

Although it was one of the better of such items to have surfaced in recent years, in his opinion it did not rise to the standard required to meet the second Waverley criterion. He did not think that it would need to be retained in the UK for study.

We heard this case in March 2009 when the mount 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 £52,281.37. This price was the agreed price in US dollars converted into sterling at the exchange rate applicable on the date of the case 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 mount, the deferral period should be extended by a further three months.

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

#### **Case 20**

### **A ROMANO-BRITISH STATUETTE OF A HORSE AND RIDER**

The statuette, which dates from the second – third century AD, is made of copper-alloy and measures approximately nine cm long x eight cm high. It consists of two separate pieces: a seated human male rider and a horse in motion, which had been made as two separate solid castings. The pieces were joined together by an iron spike which subsequently corroded. Discovered by a metal detectorist in Cambridgeshire, the statuette is associated with a possible temple site.

The applicant had applied to export the statuette to the USA. The value was US \$32,500, which represented a sale agreement.

The Keeper of Archaeology and Numismatics, National Museum of Wales, acting as expert adviser, had objected to the export of the statuette under all three of the Waverley criteria. The objection was made on the grounds that the statuette 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 both religion and equestrianism in Roman Britain.

The expert adviser told us that the statuette was one of a very small number of such artefacts of that date known from Britain. It had archaeological significance as part of a close regional grouping of this type in the East Midlands and North East Anglia. It was of outstanding aesthetic importance demonstrating fine detail and a high quality of workmanship, and was still in excellent condition. The realistic portrayal of the rider contrasted with the more stylised rendering of the horse, a juxtaposition which expressed the complex fusion of native and classical elements in the art and religion of Roman Britain.

The expert adviser also said that the statuette was significant for two areas of study. The figure of the rider, which represented a mounted warrior god, probably Mars or a native equivalent, would contribute to our understanding of the social functions of religion in Britain among both the civilian and military populations. The gait of the horse, which could be identified from the position of the forelegs as an extended canter, indicated an advanced level of equestrian skill. This made the statuette important for the study of the history of horsemanship in Britain.

The applicant disagreed that the statuette met the Waverley criteria. He said that it was not closely connected to any specific event or place in UK history, that its aesthetic appeal did not rise to the level required by the second Waverley criterion, and that it was not of outstanding significance for study.

We heard this case in March 2009 when the statuette 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 £22,066.81. This represented the agreed sale price in US dollars, converted into sterling at the exchange rate applicable on the date of the case 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 statuette, 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 statuette by the British Museum. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the statuette had been purchased by the British Museum with assistance from the British Museum Friends.

#### Case 21

### **A MANUSCRIPT JOURNAL AND CHARTS OF SIR JOHN NARBROUGH**

The largely autograph manuscript log and journal of the English explorer Sir John Narbrough for 1666-71 contains the fullest known account of his voyage to South America and passage in both directions of the Straits of Magellan. It is in its original white vellum binding and measures 315 x 208 mm. The three manuscript charts are in Narbrough's own hand, drawn following his return to England. They appear to have originally been bound in with the volume.

- i) Port Dissier ["Desire"; Deseado], Patagonia; 565 x 438 mm.
- ii) Port St Julian [Puerto San Julian], Patagonia; 580 x 448 mm.
- iii) Baldavia [Valdivia], Chile; 570 x 440 mm.

There is also one later printed chart, *Mapp of the Streights of Magellan*; 420 x 430 mm.

The applicant had applied to export the journal and charts to the USA. The value shown on the export licence application was £500,000, which represented an agreed sale price. The applicant told us that, since making the application, the price of the journal and charts had been re-negotiated with the buyer to £310,000.

The Head of Map Collections at the British Library, acting as expert adviser, had objected to the export of the journal and charts 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 export of the journal and charts would be a loss to the history of the nation. They contained unresearched information on, and unrecorded maps relating to, British trade in the Pacific, one of the major themes of British foreign policy between 1670 and 1720. They were also essential for a proper evaluation of the history of English exploration and map-making. The journal was important because it was Sir John Narbrough's own personal journal and contained the fullest known account of his voyage to South America. It described in detail his passage, in both directions, of the dangerously winding Straits of Magellan between 1669 and 1671, which proved that the South Seas trade was technically feasible for the British. It also bore witness to his skill as a navigator, his concerns for the welfare of his crew, and his scientific curiosity.

The applicant disagreed that the journal and charts met the Waverley criteria. He said that, in his opinion, they did not meet the first Waverley criterion because they related primarily to the Americas. They did not meet the second Waverley criterion because Sir John Narbrough was, at best, a skilled amateur map-maker and draftsman. The applicant also said that although the journal may be considered of 'national importance', such 'significance' to the study of the

history of exploration or cartography would be served by high quality facsimile images and digital copies of the charts.

We heard this case in March 2009 when the journal and charts 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 importance for the study of British maritime history. We also recommended that they should be starred, meaning that every possible effort should be made to raise funds to retain them in the UK. 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 £310,000. 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 journal and charts, 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 journal and charts by the British Library. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the journal and charts had been purchased by the British Library with assistance from the National Heritage Memorial Fund, charitable trusts and individual donations.

## Case 22

### **INSIGNIA OF THE ORDER OF THE LION AND THE SUN**

The Iranian insignia, First Class of the Order of the Lion and the Sun, comprises three pieces:

- i) an enamel on gold badge decorated with the recumbent lion and sun rising over its back, signed by Muhammad Ja'far and dated 1242 AH/1826-27 A D 8 x 9 cm

- ii) a collar consisting of a double row of gold chains punctuated by enamelled flowers, standing lions, sunbursts and a pendant of the Qajar crown and another recumbent lion and rising sun, 35.6 x 25.4 cm
- iii) a star of diamonds and rubies in a symmetrical spray surrounding an enamelled lion and sun with an emerald border, 15.2 x 12.5 cm.

The applicant had applied to export the insignia to Switzerland. The value shown on the export licence application was £1,800,000, which represented an estimate based upon an insurance valuation.

The Curator of Islamic Art and Antiquities at the British Museum, acting as expert adviser, had objected to the export of the insignia 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 enamel in Iranian art.

The expert adviser said that the insignia was important to the history of Iranian-British relations through its association with Sir John Kinnier Macdonald (1782-1830), the East India Company envoy to Iran from 1824 to 1830. It was also of outstanding aesthetic importance because the badge bore the signature of Muhammad Ja'far (active 1800-30), a leading enamel artist who had been especially favoured by the Qajar court. The expert adviser said that there was only one other work by Ja'far in a UK public collection. She also told us that this insignia might be the only example of its type in which the assemblage of badge, collar and star was complete. It crystallised a moment in the development of this type of insignia, the style of which had changed markedly over the course of the 19th century. The expert adviser also said that the insignia was significant for the study of the history and development of enamel in Iranian art.

The applicant disagreed that the insignia met the Waverley criteria. He said that although it was undeniably a historical record, both for the history of the East India Company and for the general history of Persian-British relations, it was not of prime importance in either of these respects. These historical subjects were better served by documentation in the National Archives. Nor did the applicant believe that the insignia was of outstanding aesthetic importance because the break-up value of the precious stones was insignificant, and the enamels, though of good workmanship, were surpassed by other Qajar enamels and goldsmiths' work already in UK public collections and in the Royal Collection. Finally, the applicant said that the insignia's value as an historical document was mainly limited to the light it cast on the early history of orders of chivalry in the westernising cultures of later Islam, which would not, in his opinion, bring it within the scope of the third Waverley criterion.

We heard this case in March 2009 when the insignia 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 £1,800,000. 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 insignia, the deferral period should be extended by a further four months.

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







# EXPORT of OBJECTS of CULTURAL INTEREST 2008-09

## Appendices

# Appendix A

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## 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 UK 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 UK 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.

In 1950 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 R A Butler, 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 (EEC) No 3911/92 as amended, 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 Appendix 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 some particular branch of art, learning or history?
<b>Waverley 1</b>	<b>Waverley 2</b>	<b>Waverley 3</b>

The 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 hearing 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 hearing 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 paintings such as Titian's *The Death of Actaeon* (1971), Raphael's *The Madonna of the Pinks* (2004) and, from the British school, Reynolds' *The Archers* (2005). Also sculpture – 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 clearly demonstrates 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

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## **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:

**i)** 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

**ii)** 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

**iii)** 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 2008-09**

### **LORD INGLEWOOD (CHAIRMAN)**

Lord Inglewood, previously Richard Vane, has been called to the Bar and is also a Chartered Surveyor. Between 1989-94 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 1995-97. In 1999 he was elected an 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 1991-97, and, in addition, from 1992 was the Head of European Sculpture and Works of Art Department there. He was editor of *Apollo* magazine from 1997-2004. 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 September 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 expires 13 November 2010**

### **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 adviser 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 (1989-95). 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**

**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**

**TIM KNOX**

Director of Sir John Soane's Museum from 1 May 2005. Head Curator of the National Trust from 2002-05 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 2000-05, 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 expires 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). From 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 expires 19 November 2010**

# Appendix D

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## List of independent assessors who attended meetings during 2008-09

<b>William Agnew</b> , W Agnew & Co Ltd	Case 4
<b>Charles Beddington</b> , Charles Beddington Ltd	Case 13
<b>Paul Bidwell</b> , Senior Manager, Tyne & Wear Museums Archaeology	Case 20
<b>Professor John Bowen</b> , Department of English and Related Literature, University of York	Case 9
<b>Dr Iain Brown</b> , Principal Manuscripts Curator, National Library of Scotland	Case 2 & 9 & Manuscript case
<b>Peter Brown</b> , Director, Fairfax House	Case 14
<b>Anne Buddle</b> , Head of Collections Management, National Galleries of Scotland	Case 22
<b>Dr Michael Burden</b> , Dean, Reader in Music, and Fellow in Opera Studies, New College Oxford	Case 7
<b>Dr Ewan Campbell</b> , Senior Lecturer, Advisor of Studies, University of Glasgow	Case 19
<b>Alison Carter</b> , Senior Keeper of Art and Design, Historic Dress and Textiles, Hampshire Museums & Archives Service	Cases 15 & 16
<b>Mrs. Elizabeth Conran OBE</b> , formerly Curator, Bowes Museum	Case 12
<b>Professor Rosemary Cramp</b> , Emeritus Professor of Archaeology, University of Durham	Case 19
<b>Aileen Dawson</b> , Curator, Department of Prehistory and Europe, The British Museum	Case 5
<b>James Ede</b> , Charles Ede Ltd	Case 20
<b>Dr. Mark Evans</b> , Senior Curator of Paintings, Victoria and Albert Museum	Case 12
<b>Dr Emma Francis</b> , Department of English, University of Warwick	Manuscript case
<b>Oliver Fairclough</b> , Keeper of Art, Amgueddfa Cymru – National Museum Wales	Case 11
<b>David Ganz</b> , Professor of Palaeography, King's College London	Case 18
<b>Philippa Glanville</b> , Independent Silver Scholar	Case 1

<b>Gareth Griffiths</b> , Director of British Empire & Commonwealth Museum	Case 22
<b>John Griffiths</b> , formerly Curator of Horology, Prescot Museum	Case 6
<b>Dr John Guy</b> , Fellow, University of Cambridge	Case 21
<b>Adam Gwilt</b> , Curator of the Bronze & Iron Age Collections, Amgueddfa Cymru – National Museum Wales	Case 17
<b>Rosemary Harden</b> , Fashion Museum, Bath	Cases 15 & 16
<b>Dr Marjory Harper</b> , Reader, School of Divinity, History and Philosophy, University of Aberdeen	Case 2
<b>Jonathan Harris</b> , retired from Harris Lindsay Ltd	Case 14
<b>Dr Martin Henig</b> , Institute of Archaeology, Oxford University	Case 20
<b>Peter Hughes</b> , formerly Head Curator, Wallace Collection	Case 10
<b>Colin Haselgrove</b> , Head of School of Archaeology and Ancient History, University of Leicester	Case 17
<b>Colin Harrison</b> , Assistant Keeper, Ashmolean Museum	Case 3
<b>Ted Hofmann</b> , Bernard Quaritch Ltd	Case 9
<b>Alastair Laing</b> , Adviser on Pictures and Sculptures, The National Trust	Case 4 & 5
<b>Martin Levy</b> , Chairman of H. Blairman & Sons	Case 10, 11 & 14
<b>Lowell Libson</b> , Lowell Libson Ltd	Case 12
<b>Stephen Lloyd</b> , Senior Curator, Scottish National Galleries	Case 13
<b>Jonathan Marsden</b> , Deputy Surveyor of the Queen's Works of Art	Case 4
<b>Daniel Morris</b> , Corfield Morris	Case 11
<b>Francis Norton</b> , SJ Philips Ltd	Case 1
<b>Anthony Payne</b> , Independent Book Antiquarian	Case 21

<b>Nicholas Poole-Wilson</b> , Bernard Quaritch Ltd	Case 7
<b>Professor Sir Curtis Price</b> , Principal, Royal Academy of Music	Case 7
<b>Simon Ray</b> , Simon Ray Indian & Islamic Works of Art	Case 22
<b>Dr Mark Redknap</b> , Curator of Medieval & Later Archaeology, Amgueddfa Cymru – National Museum Wales	Case 19
<b>Dr Nigel Rigby</b> , Head of Research, National Maritime Museum	Case 1
<b>Derek Roberts</b> , retired Antiquarian, Horologist and Curator	Case 6
<b>Sir Hugh Roberts</b> , Director of the Royal Collection, Surveyor of the Queen’s Works of Art	Case 10
<b>Professor Nicholas Rodger</b> , Senior Research Fellow, All Souls College, Oxford	Case 21
<b>David Scrase</b> , Assistant Director, Collections, The Fitzwilliam Museum	Case 8
<b>Professor David Solkin</b> , Dean and Deputy Director, Courtauld Institute of Art	Case 3
<b>Kerry Taylor</b> , Kerry Taylor Auctions	Cases 15 & 16
<b>Michael Tollemache</b> , Michael Tollemache Fine Art	Case 3
<b>Joanna van der Lande</b> , Independent, ex-Bonhams	Case 17
<b>Rowan Watson</b> , Senior Curator, National Art Library, Victoria and Albert Museum	Case 18
<b>Catherine Whistler</b> , Senior Assistant Keeper, Ashmolean Museum	Case 13
<b>Sir Christopher White</b> , formerly Director, Ashmolean Museum	Case 8
<b>Clovis Whitfield</b> , Whitfield Fine Art	Case 8
<b>John Wilson</b> , John Wilson Manuscripts Ltd	Case 18 & Manuscript Case
<b>John Winter</b> , Trinity Fine Art	Case 5
<b>Joan Winterkorn</b> , Bernard Quaritch Ltd	Case 2
<b>Anthony Woodburn</b> , Anthony Woodburn Fine Antique Clocks	Case 6

# Appendix E

## Value of items placed under deferral (1999-2000 to 2008-09) (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 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 <sup>1</sup> (£m)	(7) Value of items in (6) as % of (2)
1999-2000	9.5	5.0	53	4.5 <sup>2</sup>	0.5	5
2000-01	19.3	12.6	65	6.6 <sup>3</sup>	3.7	19
2001-02	18.9 <sup>4</sup>	11.4 <sup>5</sup>	60	7.5 <sup>6</sup>	5.4 <sup>7</sup>	29
2002-03	74.9	23.2	31	51.7 <sup>8</sup>	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 <sup>9</sup>	5.8	13
2005-06	15.6	7.3	47	8.3	8.3	53
2006-07	24.5	10.7 <sup>10</sup>	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
<b>Totals</b>	<b>248.7</b>	<b>128.4</b>	<b>51.8</b>	<b>117.4</b>	<b>79.6</b>	<b>32.1</b>

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

<sup>2</sup> Includes value of four cases (£4,060,642.50) where the licence application was withdrawn during the deferral period.

<sup>3</sup> Includes value of four cases (£2,964,362.50) where the licence application was withdrawn during the deferral period.

<sup>4</sup> Excludes one case where the item was originally found to be Waverley but subsequently found to have been exported into the UK within the last 50 years.

<sup>5</sup> Excludes value of one case (£2,000,000) where a licence was issued, but the owner subsequently sold the items 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.

<sup>6</sup> 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 items to a UK institution and one case (£1,815,750) where the licence application was withdrawn although no matching offer was made.

<sup>7</sup> Includes value of one case (£2,000,000) where a licence was issued but the owner subsequently sold the item to a UK institution.

<sup>8</sup> 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.

<sup>9</sup> Includes value of five cases (£10,422,776) where the application was withdrawn during the deferral period.

<sup>10</sup> Excludes one case where the item was originally found to be Waverley but subsequently found to have been exported into the UK within the last 50 years.

# Appendix F

Items licensed for export after reference to expert advisers as to national importance:  
1 May 2008 – 30 April 2009

Category	Advising authority	No of items	Total value (£)
Arms and armour	Royal Armouries, Leeds, Associate Director	12	637,131
Books, maps etc	British Library, Keeper of Printed Books, Head of Map Collections	44	7,704,330
Books (natural history)	Royal Botanic Gardens, Kew, Head of Library and Archives	1	25,000
Clocks and watches	British Museum, Keeper of Clocks and Watches	27	4,930,868
Coins and medals	British Museum, Keeper of Coins and Medals	752	1,657,405
Drawings: architectural, engineering and scientific	Victoria and Albert Museum, Keeper of Word & Image Department	136	50,471,700
Drawings, prints, water-colours	British Museum, Keeper of Prints and Drawings	255	73,658,506
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	7	4,836,598
Ethnography	British Museum, Keeper of Ethnography	38	9,722,432
Furniture and woodwork	Victoria and Albert Museum, Keeper of Furniture Textiles & Fashion Department	154	42,128,74
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	11	5,869,457
Indian furniture	Victoria and Albert Museum, Senior Curator of Asian Department, South & South East Asian Collection	1	80,86
Japanese antiquities	British Museum, Department of Asia	9	1,025,500
Manuscripts, documents and archives	British Library, Curator, Department of Manuscripts	1,465	127,213,057
Maritime material, including paintings	National Maritime Museum, Director of Collections	10	545,000
Oriental antiquities (except Japanese)	British Museum, Department of Asia	53	15,848,469
Oriental furniture	Victoria and Albert Museum, Senior Curator of Asian Department, Chinese Collection	44	12,398,095
Paintings, British, modern	Tate Gallery	296	252,276,745
Paintings, foreign	National Gallery, Director	232	498,191,923
Paintings, miniature	Victoria and Albert Museum, Senior Curator of Painting Section, Word & Image Department	16	444,687
Paintings, portraits of British persons	National Portrait Gallery, Director	62	18,377,636
Photographs	National Media Museum, Head	41	8,237,005
Pottery	Victoria and Albert Museum, Head of Ceramics and Glass Department	33	3,740,961

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 and Europe Department of Portable Antiquities and Treasure (metal detecting finds)	19,087	12,678,733
Scientific and mechanical material	Science Museum, Head of Collections	4	809,388
Sculpture	Victoria and Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramics and Glass Department Tate Gallery (20th-century Sculpture)	79	63,519,985
Silver and weapons, Scottish	National Museum of Scotland, Director	0	-
Silver, metalwork and jewellery	Victoria and Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramics and Glass Department	168	36,671,619
Tapestries, carpets (and textiles)	Victoria and Albert Museum, Senior Curator of Furniture, Textiles and Fashion Department	36	2,874,517
Toys	Bethnal Green Museum of Childhood, Head	0	-
Transport	Heritage Motor Centre	30	17,937,499
Wallpaper	Victoria and Albert Museum, Senior Curator of Prints Section, Word & Image Department	0	
Western Asiatic antiquities	British Museum, Keeper of Ethnography	19	4,728,998
Zoology	Natural History Museum, Director of Science (stuffed specimens)	0	-
<b>Totals</b>		<b>23,123</b>	<b>1,279,318,431</b>

# Appendix G

## Applications considered and deferred on the recommendation of Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest: 1999-2000 to 2008-09

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 (£)
1999-2000	3	5,024,833	6	491,027	2	140,100	3	131,500	2	42,290
2000-01	7	12,367,972	23 <sup>1</sup>	3,168,087	6	1,780,630 <sup>2</sup>	7	690,701 <sup>3</sup>	2	5,012
2001-02	5 <sup>4</sup>	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 <sup>5</sup>	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	10	329,277	7	118,500

<sup>1</sup>Including a series of 13 related finds.

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

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

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

<sup>5</sup>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.

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
1999-2000	A manuscript, the <i>Swan Roll</i> , c.1500	Norfolk Record Office	34,870	0	0	17,290
1999-2000	A Romano-British pottery vessel, AD 200-250	British Museum	3,850	0	0	0
1999-2000	An Anglo-Saxon silver gilt and niello mount from a sword scabbard	British Museum	9,000	0	4,500	0
1999-2000	An English hand-knotted carpet, c.1600	Burrell Collection	297,969.56	0	75,000	0
1999-2000	A George III period metal mounted and stained beech model of a <i>Carronade</i> , a type of gun-howitzer, 1779	Falkirk Council Museum Services	43,000	0	0	0
1999-2000	A pastel portrait, <i>One of the Porters of the Royal Academy</i> , by John Russell RA (1745-1806)	Samuel Courtauld Trust	102,337.50	0	52,000	25,000
2000-01	Archival papers of Sir James Mackintosh (1765-1832)	British Library	115,000	0	0	0
2000-01	A parcel-gilt reliquary figure of Saint Sebastian, dated 1497	Victoria & Albert Museum	1,455,536.27	(NHMF) 1,111,530	282,947	0
2000-01	A Roman agate intaglio engraved with the bust of Octavian as Mercurius, known as the <i>Ionides Octavian Gem</i> , 35-25 BCE	British Museum	240,914.09	0	96,000	0
2000-01	A German armorial travelling desk, dated 1683	Victoria & Albert Museum	120,719.17	(NHMF) 58,400	34,247	0
2000-01	A George II mahogany hall chair made for Richard Boyle, third Earl of Burlington, c.1730	English Heritage	169,093.75	(NHMF) 85,000	45,000	0
2000-01	A series of letters by George Eliot (1819-80)	British Library	17,918.75	0	0	0
2000-01	The personal archive of Charles Francis Annesley Voysey (1857-1941)	Royal Institute of British Architects	25,000	(HLF) 18,700	0	3,550
2000-01	Middle Bronze Age palstave axe head from the Marnhull hoard, Dorset, 1400-1250 BCE	Dorset County Museum	3,215	0	0	1,462
2000-01	An Egyptian limestone relief, c.1295-1069 BCE	British Museum	82,507	0	82,507	0
2000-01	A Roman marble statue of a Molossian hound, called <i>The Dog of Alcibiades</i> , second century AD	British Museum	679,683.14	(HLF) 362,000	100,000	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
2000-01	Three English 15th-century wooden figures	Victoria & Albert Museum	258,500	(HLF) 145,000	50,000	0
2001-02	A watercolour, <i>Near Beddgelert (A Grand View of Snowdon)</i> , by Thomas Girtin, c.1799	National Museums and Galleries of Wales	300,000	0	70,000	0
2001-02	A bronze and ormolu hanging light by James Deville (1776-1846), from Gawthorpe Hall	National Trust	110,568.75	0	47,784	15,000
2001-02	A pair of George III carved stone sphinxes	Birmingham Museums and Art Gallery	285,485.25	(HLF) 117,500	79,936	43,000
2001-02	A drawing, <i>Study for the Institution of the Eucharist</i> , by Federico Barocci (1528/35-1612)	Fitzwilliam Museum	945,000	(HLF) 700,000	225,000	0
2001-02	Albumen prints and glass negatives by Charles Lutwidge Dodgson, 'Lewis Carroll' (1832-98)	National Museum of Photography, Film and Television/National Portrait Gallery	582,919.38	(NHMF) 471,500	100,000	0
2001-02	Two Late Bronze Age gold hair rings, c.1100-750 BCE	Ashmolean Museum	4,700	0	0	0
2001-02	Pair of George II walnut upholstered side chairs by William Hallett	Leeds Museums and Galleries for Temple Newsam House	70,050	(HLF) 20,000	10,000	20,000
2001-02	The Kelso Archive, c.1750-1850	Scottish Borders Council	59,010	(HLF) 36,600	0	0
2001-02	The Archive of Walter Crane (1845-1915)	Whitworth Art Gallery and John Rylands Library of the University of Manchester	376,475	(HLF) 282,356	36,675	0
2001-02	A 15th-century Middle English physician's handbook	Wellcome Trust	210,000	0	0	0
2002-03	A pair of George IV ormolu and mother of pearl black and gilt japanned papier-mache vases by Jennens and Bettridge, the mounts attributed to Edward Holmes Baldock	Temple Newsam House, Leeds	185,000	(HLF) 95,000	35,000	30,000
2002-03	Meissen porcelain figure of a crouching king vulture	Victoria and Albert Museum	510,688	(HLF) 383,000	75,000	0
2002-03	A miniature photo album by Mary Dillwyn	National Library of Wales	49,165	0	9,165	0
2002-03	A portrait, <i>The Lieutenant General, the Hon. Robert Monckton</i> , by Benjamin West	National Army Museum	539,130.95	(HLF) 349,436	0	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
2002-03	A Roman well-head, the Guilford Puteal, c.100 BCE	British Museum	294,009.30	0	108,000	0
2002-03	An armchair and dressing table by Marcel Breuer	Victoria and Albert Museum	Chair 41,790 Table 44,248	0	43,019 for both	0
2002-03	A portrait, <i>Richard Arkwright junior with his wife Mary and daughter Anne</i> , by Joseph Wright of Derby	Derby Museum and Art Gallery	1,217,500	(HLF) 999,500	55,000	0
2002-03	Letters and diaries of Claudius James Rich (1787-1821)	British Library	61,575	0	0	0
2002-03	A miniature of the nativity, attributed to Jean Bourdichon	Victoria and Albert Museum	250,000	(NHMF) 187,500	30,000	0
2002-3	A bronze incense burner attributed to Desiderio da Firenze	Ashmolean museum	980,000	(NHMF) 768,679	150,000	0
2002-03	A painting by Raphael, <i>The Madonna of the Pinks</i>	National Gallery	22,000,000	(HLF) 11,500,000	400,000	0
2003-04	A Regency carved mahogany centre table designed by Thomas Hope for his house in Duchess Street, c.1805	Victoria and Albert Museum	100,000	0	44,000	0
2003-04	A painting by Annibale Carracci, <i>The Holy Family with the Infant Saint John the Baptist ('The Montalto Madonna')</i> , 1597-1600	National Gallery	805,280	0	0	0
2003-04	Four silver wine coolers: one pair by Robert Joseph Auguste of Paris and one pair by Parker & Wakelin of London	Private Purchaser	1,098,513.68	0	0	0
2003-04	A Siena marble table made for William Beckford.	Beckford Tower Trust	220,000	110,000	35,000	40,000
2003-4	The Archive of G King & Son	Norwich Town Close Estate Charity	13,810	0	0	0
2004-5	A linen doublet, 1650s	National Museums of Scotland	25,935	0	0	0
2004-5	An Iron Age coin	British Museum	2,000	0	0	0
2004-5	The Macclesfield Psalter	Fitzwilliam Museum	1,685,600	(NHMF) 860,000	500,000	0
2004-5	A multi-gem Cartier bandeau	Private purchaser	300,000	0	0	0
2004-5	A pink satin and black bugle beaded bodice	Manchester City Galleries	12,350	0	0	3,500
2004-5	A marble sculpture by Benedetto Pistrucchi	The Rothschild Foundation	176,250	0	0	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
2004-5	The Melchett cast-iron fire basket	Victoria and Albert Museum	66,000	0	25,000	0
2004-5	A drawing of Mary Hamilton by Sir Thomas Lawrence	Victoria and Albert Museum	165,000	(NHMF) 75,000	50,000	0
2004-5	A painting by Sir Joshua Reynolds, <i>The Archers</i>	Tate	3,200,000	(NHMF) 1,600,000	400,000	0
2004-5	A Charles II silver dish	Royal College of Physicians	192,000	(NHMF) 42,000	0	0
2005-6	An Anglo-Saxon gold coin of King Coenwulf of Mercia	The British Museum	357,832	(NHMF) 225,000	60,000	0
2005-6	Seven silver pieces (six off-cuts from silver ingots and a stamped arm-ring fragment)	The Ulster Museum	1,000	0	0	0
2005-6	A medieval bronze jug	Luton Museums Service	750,000	(NHMF) 568,000	137,500	0
2005-6	The Codex Stosch	The British Architectural Library	274,418	0	100,000	0
2005-6	A pair of paintings by Giovanni Antonio II Canaletto, <i>View of the Grand Walk, Vauxhall</i> and <i>The Rotunda, Ranelagh</i>	Compton Verney	6,000,000	0	0	0
2005-06	The silver cup by Solomon Hougham presented to Captain Philip Bowes Vere Broke	Ipswich Borough Council Museums Service	84,000	(HLF) 42,000	0	30,000
2005-06	A medieval figure of a bronze equestrian knight	The Bassetlaw Museum	34,000	(HLF) 20,200	10,000	1,200
2005-06	A Roman millefiori disc	Oxfordshire Museums Service	2,260	0	830	1,130
2005-06	A portrait of Louis XVI by Callet in a frame by Buteux	The Alice Trust	775,000	0	0	0
2006-07	The archive of Reverend William Gunn	Norfolk Record Office	83,050	(HLF) 50,000	0	£15,000
2006-07	Anglo-Saxon gilded mount with interlace decoration	The Fitzwilliam Museum	7,000	0	0	0
2006-07	Anglo-Saxon great square-headed brooch	National Museums Liverpool	15,000	(HLF) 7,500	0	0
2006-07	A watercolour painting by J M W Turner, <i>The Blue Rigi, Lake of Lucerne, Sunrise</i> , 1842	Tate	5,832,000	(NHMF) 1,950,000	500,000	0
2006-07	A collection of manuscript and printed maps cut as jigsaws and housed in a mahogany cabinet	Historic Royal Palaces & V&A Museum of Childhood	120,000	0	120,000	0
2006-07	An 18th-century mantua and petticoat	Historic Royal Palaces	80,275	0	80,275	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
2006-07	A felt appliqué and patch-worked album coverlet made by Ann West in 1820	Victoria and Albert Museum	34,450	0	0	0
2006-07	Diaries, correspondence and manuscript volumes of Mary Hamilton	John Rylands University Library	123,500	(NHMF) 4,750	0	25,000
2006-07	A Neolithic 'jadeite' axe-head	Dorset County Museum	24,000	(NHMF) 14,000	0	8,000
2006-07	A Guild Roll of the Guild of St Mary	Nottinghamshire Archives	6,600	0	0	3,300
2006-07	A 15th-century illuminated manuscript of the Hours of the Passion	The British Library	635,200	0	250,000	0
2006-07	An 18th-century Union flag	National Maritime Museum	48,000	0	0	0
2007-08	A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772	Lancashire County Museums Service	260,000	(NHMF) 92,000	100,000	30,000
2007-08	A 13-bore silver-mounted flintlock gun	The Royal Armouries	115,000	(NHMF) 57,500	28,750	0
2007-08	A portrait by J S C Schaak, <i>General Wolfe</i>	National Army Museum	300,000	(NHMF) 80,000	15,000	0
2007-08	A copy of the warrant for the execution of Mary Queen of Scots	Lambeth Palace Library	72,485.50	(NHMF) 17,485.50	0	20,000
2007-08	A ledger kept by a 17th-century lead merchant in the Peak District	Derbyshire Record Office	3,770	0	0	0
2007-08	An early English brass astrolabe quadrant	The British Museum	350,000	(NHMF) 125,000	50,000	0
2007-08	The Dering Roll	The British Library	192,500	(NHMF) 100,000	40,000	0
2007-08	A painting by John Thomas Seton, <i>Portrait of Alexander Dalrymple</i>	National Museums Scotland	137,500	0	15,000	0
2008-09	A bust of Charles Townley by Joseph Nollekens	Towneley Hall Art Gallery and Museum	308,750	(NHMF) 178,000	93,750	0
2008-09	William Hamilton Shortt Regulator	National Museums Liverpool	72,218	0	0	0
2008-09	A manuscript of Cavalli's opera <i>Erismena</i> in English translation	The Bodleian Library	85,000	0	0	30,000
2008-09	A pair of Queen Anne giltwood stools	The Victoria and Albert Museum	337,250	0	125,000	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
2008-09	Nine dresses designed by Madeleine Vionnet	The Bowes Museum, Fashion Museum Bath, Victoria and Albert Museum	351,398.81	0	102,527	71,000
2008-09	A Celtic bronze mirror	Canterbury City Council for the Museum of Canterbury	35,000	0	8,000	17,500
2008-09	A Romano-British statuette of a horse and rider	The British Museum	22,066.81	0	0	0
2008-09	A manuscript journal and charts of Sir John Narbrough	The British Library	310,000	(NHMF) 200,000	0	0

# 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 (representatives of the Department for Culture, Media and Sport, Department for Business, Enterprise and Regulatory Reform, 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/V&A Purchase Grant Fund; 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: 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

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## 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, 2009)

Export Control Act 2002 (HMSO)

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

Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods

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

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## **Membership of the Working Party on Manuscripts, Documents and Archives during 2008-09**

Dr Christopher Wright, Chairman

Henry Yallop, 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

Dr Frances Harris, Head of Modern Historical Manuscripts, British Library

Norman James, The National Archives

Nick Kingsley, The National Archives

Maria Mourin, Cultural Property Unit, DCMS

David Park, Bonhams

Andrew Petherick, Head of Export Licensing Unit, Museums, Libraries and Archives Council

Julian Rota, Antiquarian Booksellers Association,

Anastasia Tennant, Deputy Head of Acquisition, Export and Loans Unit, Museums, Libraries and Archives Council

John Wilson, John Wilson Manuscripts Limited







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