



department for  
culture, media  
and sport

# EXPORT of OBJECTS of CULTURAL INTEREST 2006-07



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:

Watercolour painting by J M W Turner,  
*The Blue Rigi, Lake of Lucerne, Sunrise, 1842*

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 2006-07

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# EXPORT of OBJECTS of CULTURAL INTEREST 2006-07

**1 May 2006 – 30 April 2007**

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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 third 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 2006 to 30 April 2007.

The UK's export controls are aimed at striking a balance between the need to protect the 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, broadly, we have been successful in that aim during the last 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. 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 to the granting of an export licence.

I am extremely grateful to the Committee for the expert advice it has given during the 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, who give both their expertise and their time freely and generously. I would like to take this opportunity of thanking Martin Levy, whose appointment came to an end in February 2007, for his significant contribution to the Committee over the last 10 years. He will be very much missed. I would also like to welcome new Committee members Christopher Wright and Simon Jervis who I know will serve the Committee extremely well in the years to come.

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. My comments on these issues can be seen below.

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

A total of 28 items were referred to the Committee by Expert Advisers, 22 of which were subsequently found to meet the Waverley Criteria. 21 cases were referred to the then Secretary of State and she accepted the Committee's recommendations on them all. One of the 22 was withdrawn following the hearing and subsequently not referred to the Secretary of State. One of the 21 cases referred was refused a licence without a deferral period because the owner had made known their intention to refuse a matching offer at the recommended price.

In all, 20 items had their licences deferred, with an aggregate value of £24.5 million. Of these 20 items, 12 were acquired by UK institutions or individuals, representing 60% of items placed under deferral.

I fully understand the Committee's concern that of the 22 objects which met the Waverley Criteria, four were eventually granted an export licence. It is welcome news, however, that 12 items (with one case still to be concluded) – were kept in the UK. I was also pleased to note that all three starred objects – those identified as being of particular significance – have been retained in the UK. This is a particular success for the current export control system. Such an achievement 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, associations of friends of museums and galleries, together with private and corporate donors, all of whom deserve our thanks and recognition.

### **Adequacy of available funding**

I recognise the Committee's views on the level of funding available for acquisitions. I take this matter seriously. The Government's grant to the National Heritage Memorial Fund was increased to £10 million in 2007-08, thereby doubling its resources for the acquisition of 'national treasures'. In the context of an extremely challenging Comprehensive Spending Review, I was pleased to be able to announce recently that funding will now continue at this level for the next three years. As well as this, our ongoing investment in national museums and galleries, and in the Renaissance in the Regions programme of support for regional museums, will be sustained in real terms through to 2010/11, by which time our annual investment in museums and galleries will be over £440 million.

There are of course tax reliefs such as Gift Aid and Payroll Giving already in place to encourage giving to the cultural sector. My Department has, in conjunction with Deloitte and Arts & Business, developed an online tax guide, launched by the Minister for Culture on 4 October 2007. The guide is intended to increase awareness and take up of such reliefs. It is published on the Arts & Business website and can be found at [www.aandb.org.uk/taxguide](http://www.aandb.org.uk/taxguide).

The Acceptance in Lieu scheme has continued successfully to ensure that an exceptional range of pre-eminent objects have been taken into public ownership. In the 2006-07 tax year 32 cases were completed, resulting in items valued at approximately £25.3 million being accepted under the scheme and being widely distributed throughout the UK.

## Operation of the control

The following figures cover the period of this report (1 May 2006 – 30 April 2007).

		1 May 2006 – 30 April 2007	1 May 2005 – 30 April 2006
(a)	Number of applications for individual export licences <sup>1</sup>	11,607	10,220
(b)	Number of above applications which were for manuscripts, documents or archives	1,835	1,329
(c)	Number of items licensed after reference to expert advisers on the question of national importance	27,444	20,063
(d)	Total value of items in (c)	£1,842,844,793	£1,451,971,034
(e)	Number of Open individual 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	17,723	9,844
(g)	Total value of items in (f)	£6,476,033,552	£4,425,749,023
(h)	Number of items in (f) which were manuscripts, documents or archives	838	859
(i)	Total value of items in (h)	£67,887,642	£38,019,848
(j)	Number of items given an EC licence without reference to the question of national importance because they were valued at below the appropriate UK monetary limit <sup>2</sup>	4,100	2,668
(k)	Total value of items in (j) <sup>2</sup>	£1,549,816,636	£882,881,577

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

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



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

**1 May 2006 – 30 April 2007**

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To:

Rt Hon. James Purnell MP  
Secretary of State for Culture, Media and Sport

Fifty-third 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 2006-07**

Lord Inglewood (Chairman)  
Ms Amanda Arrowsmith (until May 2006)  
Professor David Ekserdjian  
Mr Simon Swynfen Jervis (from 10 April 2007)  
Dr Catherine Johns  
Mr Tim Knox  
Mr Martin Levy (until February 2007)  
Professor Pamela Robertson  
Mr Johnny Van Haeften  
Dr Christopher Wright

## **JOINT SECRETARIES**

Ms Nicki Fox  
Ms Helen Loughlin (until March 2007)  
Ms Isabel Wilson (from March 2007)

## **POSTAL ADDRESS**

Secretary  
Reviewing Committee on the export of Works of Art and Objects of Cultural Interest  
Museums, Libraries and Archives Council  
Victoria House  
Southampton Row  
London  
WC1B 4EA

*A register of interest held by Committee members is posted on Museum Libraries and  
Archive Council's website  
[http://www.mla.gov.uk/website/programmes/cultural\\_property/reviewing\\_committee](http://www.mla.gov.uk/website/programmes/cultural_property/reviewing_committee)*

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# PART I:

## Reviewing Committee Report for 2006-07

1 May 2006 – 30 April 2007

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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 attached as Appendix A. The terms of reference of the Reviewing Committee can be found at Appendix B. It can be seen the Committee's work falls into two distinct parts. The first relates to advising the Secretary of State on individual cases, and the second focuses more generally on the working of the system of Export Control. In this report we begin with the former.

#### Committee Members, Expert Advisers, Independent Assessors and the administration of the System of Export Control

There were two changes in membership of the Committee during the 2006-07 reporting year (up until the end of April 2007). Amanda Arrowsmith, who had been re-appointed for a second term to run from 1 February 2006 to 31 January 2009, resigned in May 2006 due to ill-health. The Committee welcomed Christopher Wright who replaced her on 20 November 2006 for a term of four years until 19 November 2010. In February 2007 we had to say farewell to Martin Levy whose ten year term of appointment had come to an end. The Committee welcomed Simon Swynfen Jervis who replaced him on 10 April 2007 for a term of four years until 9 April 2011. Amanda and Martin made great contributions to the Committee and will be very much missed. Two members were re-appointed for a second term: David Ekserdjian to run from 13 November 2006 to 12 November 2010 and Catherine Johns to run from 18 February 2007 to 17 February 2011. A full list of Committee members can be found at the beginning of this report and brief details of members are included at Appendix C.

The Committee would like once more to thank the expert advisers for all their work in examining items 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 very grateful for and conscious of the very considerable time and effort they put in to 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.

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 can be found at Appendix D.

Finally, 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.

### CASE STUDIES

#### Consideration of items by the Reviewing Committee 2006-07

There were 11,607 licence applications during the period 1 May 2006 to 30 April 2007, covering a total of 49,267 individual items. Of these, 27,444 items were referred to expert advisers. The number of cases considered by the Committee, because an expert adviser had recommended that an object met at least one of the Waverley criteria, was 28 (see below) – a tiny fraction of the items covered by the export licensing system – which shows that expert advisers think very carefully before referring cases to us.

#### Items found to meet the Waverley criteria

We found that of the 28 items which we considered, 22 met at least one of the Waverley criteria. These are listed below. We starred three of them (cases 10, 13 and 28) as a sign of their outstanding importance, to indicate that especially great efforts should be made to retain them in the United Kingdom.

**Case 1:** A painting by Francesco Solimena *Joseph and Potiphar's Wife* (met second criterion);

**Case 2:** A painting by Michiel Van Musscher *Portrait of an artist in his studio* (met second and third criteria);

**Case 4:** A watercolour painting by J M W Turner, *The Dark Rigi, Lake of Lucerne*, 1842 (met second and third criteria);

**Case 5:** The archive of Reverend William Gunn (met third criterion);

**Case 6:** A watercolour painting by J M W Turner, *Lake of Lucerne, from the Landing Place at Fluelen, looking towards Bauen and Tell's Chapel, Switzerland*, c.1815 (met second criterion);

**Case 7:** An Anglo-Saxon gilded mount with interlace decoration (met third criterion);

**Case 8:** An Anglo-Saxon great square-headed brooch (met third criterion);

**Case 10:** A watercolour painting by J M W Turner, *The Blue Rigi, Lake of Lucerne, Sunrise*, 1842 (met second and third criteria, starred);

**Case 11:** A painting by Alonso Sánchez Coello, *The Infante Don Diego* (met second and third criteria);

**Case 12:** A collection of manuscript and printed maps cut as jigsaws and housed in a mahogany cabinet (met third criterion);

**Case 13:** An eighteenth-century mantua and petticoat (met second and third criteria, starred);

**Case 16:** A felt appliqué and patch-worked album coverlet made by Ann West in 1820 (met second and third criteria);

**Case 17:** Diaries, correspondence and manuscript volumes of Mary Hamilton (met third criterion);

**Case 18:** A painting by John Constable, *Flatford Lock from the Mill House* (met third criterion);

**Case 21:** A painting by Karel van Mander the Elder, *The Crucifixion* (met third criterion);

**Case 22:** A bronze statuette of *Marsyas* after Pierre Legros the Younger (met third criterion);

**Case 23:** An eighteenth-century embroidered man's banyan and waistcoat (met second and third criteria);

**Case 24:** A 'jadeite' Neolithic axe-head from Sturminster Marshall, Dorset (met first, second and third criteria);

**Case 25:** The guild roll of the Guild of St Mary, Nottingham, 1371 (met first and third criteria);

**Case 26:** An Anglo-Saxon silver-gilt zoomorphic mount (met second and third criteria);

**Case 27:** A fifteenth-century illuminated manuscript of the Hours of the Passion (met second criterion);

**Case 28:** An eighteenth-century Union flag (met first and third criteria, starred).

These items are described in more detail in the case histories below.

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

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

**Case 3:** A Scottish all-metal flintlock belt pistol, c.1670;

**Case 9:** A fifteenth-century manuscript *The Master of Game*, with other treatises of hunting, health and husbandry;

**Case 14:** The Pusey House collection of the papers of Mrs Humphrey Ward;

**Case 15:** A photograph by Charles Lutwidge Dodgson (also known as Lewis Carroll) of Julia Arnold in Chinese dress, 1871;

**Case 19:** A painting by Pompeo Girolamo Batoni, *Portrait of Robert Udny*;

**Case 20:** A painting *Self Portrait* by Jan Lievens.

These items are described in more detail in the case histories below.

#### Cases where the licence application was withdrawn following the meeting

Of the 22 applications for items which were found to meet the Waverley criteria, one was withdrawn following the hearing and consequently not referred to you. This was:

**Case 1:** A painting by Francesco Solimena *Joseph and Potiphar's Wife*.

This item is described in more detail in the case histories.

### Items referred to the Secretary of State

Twenty one cases were referred to the previous Secretary of State and she accepted our recommendations on all of them.

A licence was refused without a deferral period for one case: the Anglo-Saxon silver-gilt zoomorphic mount valued at £4,800 (case 26). This was because the owner had made known their intention to refuse a matching offer at the recommended price.

Proof was subsequently provided that one item, an embroidered man's banyan and waistcoat (case 23) had been imported into the UK within the last 50 years and so was not available for purchase by a UK institution. The aggregate value of the 20 items deferred was £24.5 million.

### Items that were acquired

Of the 19 deferred items available for acquisition, the following 12 were acquired by institutions in the United Kingdom. We welcome the retention within the United Kingdom of all three starred items.

**Case 5:** The archive of Reverend William Gunn by Norfolk Record Office for £83,050 including £50,000 from HLF, £15,000 from the MLA/V&A Purchase Grant Fund, £10,000 from the Friends of the National Libraries, £7,500 from Mercers' Company and donations from the Norfolk Record Society and the Parson Woodforde Society as a result of a public appeal within Norfolk;

**Case 7:** An Anglo-Saxon gilded mount with interlace decoration by the Fitzwilliam Museum with the £7,000 raised in full by the Friends of the Fitzwilliam Museum;

**Case 8:** An Anglo-Saxon great square-headed brooch by the World Museum Liverpool for £15,000 including £7,500 from HLF, £5,000 from the National Museums Liverpool Acquisition Fund and £2,500 from the Friends of National Museums Liverpool;

**Case 10:** A watercolour painting by J M W Turner, *The Blue Rigi, Lake of Lucerne, Sunrise*, 1842 by Tate for £5,832,000 including £1,950,000 from NHMF, £500,000 from the Art Fund, £582,218 from the Art Fund and Tate public appeal and £250,000 from Tate Members;

**Case 12:** A collection of manuscript and printed maps cut as jigsaws and housed in a mahogany cabinet by the Art Fund for £120,000 and donated to be shared equally between Historic Royal Palaces and the V&A Museum of Childhood;

**Case 13:** An eighteenth-century mantua and petticoat by the Art Fund for £80,275 and donated to Historic Royal Palaces;

**Case 16:** A felt appliqué and patch-worked album coverlet made by Ann West in 1820 by the Victoria and Albert Museum with the full cost of £34,450 being funded by the Friends of the V&A;

**Case 17:** Diaries, correspondence and manuscript volumes of Mary Hamilton by the John Rylands University Library for £123,500 including £25,000 from the MLA/V&A Purchase Grant Fund, £15,000 from the Pilgrim Trust, £10,000 from the Friends of the National Libraries, £5,000 from the Society of Dilettanti Charitable Trust, £4,750 from the NHMF and £2,000 from the Friends of the John Rylands;

**Case 24:** A Neolithic 'jadeite' axe-head from Sturminster Marshall, Dorset by the Dorset Natural History and Archaeological Society for the Dorset County Museum for £24,000 including £14,000 from NHMF, £8,000 from the MLA/V&A Purchase Grant Fund;

**Case 25:** Guild Roll of the Guild of St Mary by Nottinghamshire Archives for £6,600 including £3,300 from the MLA/V&A Purchase Grant Fund and £2,400 from the Friends of the National Libraries;

**Case 27:** A fifteenth-century illuminated manuscript of the Hours of the Passion by the British Library for £635,200 including £250,000 from the Art Fund, £10,000 from the Friends of the British Library, £10,000 from the Friends of the National Libraries and a bequest of \$50,000 from the Late Bernard Breslauer;

**Case 28:** An eighteenth-century Union flag by the National Maritime Museum for £48,000 from their own acquisitions fund.

**TABLE 1**

The statistics below show the figures for the number of cases from 1997-98 to 2006-07

(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)
1997-98	19	15	8	53	4.4	7	47	18.9
1998-99	20	17	9	53	2.5	8	47	21.0
1999-00	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
2003-04	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
<b>TOTALS</b>	<b>254</b>	<b>202</b>	<b>138</b>	<b>68</b>	<b>120.3</b>	<b>63</b>	<b>31</b>	<b>141.3</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.

**TABLE 2**

The statistics below show the figures for the values associated with cases from 1997-98 to 2006-07.

(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>1</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 Committee's recommendation to the Secretary of State	(8) Value of items in (7) (£m)
1997-98	15	23.3	7	4.3	18	1	0.1
1998-99	17	23.5	8	2.3	10	1	0.1
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>2</sup>	18.9	22 <sup>3</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>4</sup>	24.5	12	7.0	29	3	4.8
<b>TOTALS</b>	<b>202</b>	<b>263.6</b>	<b>116</b>	<b>83.3</b>	<b>32</b>	<b>26</b>	<b>38.5</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>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>3</sup>Includes one case where a licence was issued but the owner subsequently sold the item to a UK institution.

<sup>4</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.

The 12 items purchased have a total value of £7 million (value price at deferral), which represents 29 per cent of the total value of objects placed under deferral.

**Items where the licence application was withdrawn following the announcement of the Secretary of State's decision to defer the decision on the export licence application**

**Case 4:** A watercolour painting by J M W Turner, *The Dark Rigi, Lake of Lucerne*, 1842;

**Case 6:** A watercolour painting by J M W Turner, *Lake of Lucerne, from the Landing Place at Fluelen, looking towards Bauen and Tell's Chapel, Switzerland*, c.1815.

The two items withdrawn have a total value of £4,788,800 (value price at deferral), which represents just over 19.5 per cent of the total value of objects placed under deferral.

**Items that were subsequently exported**

Unfortunately, funds could not be raised for every 'Waverley' object. Export licences were issued for the following items:

**Case 2:** A painting by Michiel Van Musscher *Portrait of an Artist in his Studio*;

**Case 18:** A painting by John Constable, *Flatford Lock from the Mill House*;

**Case 21:** A painting by Karel van Mander the Elder, *The Crucifixion*;

**Case 22:** A bronze statuette of *Marsyas* by Pierre Legros the Younger.

A licence was also issued for the eighteenth-century embroidered man's banyan and waistcoat (case 23) following receipt of satisfactory proof that the banyan and waistcoat had been imported into the United Kingdom within the last fifty years.

The four items (excluding the banyan) for which export licences were issued have a total value of £10.7 million, which represents just under 44 per cent of the total value of objects placed under deferral and 21 per cent in number.

**Unresolved Cases from 2005-06**

I am pleased to report that there were no unresolved cases at the time of writing our last report.

**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 role of keeping 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 nature of the Waverley system is a tripwire, as opposed to a mandatory right of pre-emption. The system provides one final period of time for the acquisition of items judged to be national treasures and whose export would be a national misfortune.

The use of this term 'misfortune' makes it clear that from the beginning the underlying purpose of the policy has been to avoid the export of such items. Regrettably, it may be unrealistic in the real world to suppose that every national treasure will be kept in the UK but equally the balance between what is retained within the UK and what leaves must be clearly in favour of retention if individual misfortunes are not to become systemic failure.

If an item is sold to a new owner in order to retain it in the UK, the vendor is entitled to a fair market price. Not only is this in line with the principles of fair dealing, it is also in accord with the general law in respect of Human Rights and private property. On occasions this involves substantial sums of money.

The inability of prospective UK purchasers to raise the required amount of money is the principal reason for the export of 'Waverley items'. The Committee considers this to be the most serious problem facing the system at present.

Shortage of funds has been a concern of the Reviewing Committee for over 30 years, as the annual reports demonstrate. Furthermore, it is not a fluctuating but a consistent problem regardless of which party is in power. In the twelve months covered by our annual report for 2005-06, the previous Secretary of State deferred decisions on items worth £15.6 million in order to give public institutions and private individuals in this country the opportunity to purchase them. The value of items purchased was £8.3 million (53% of £15.6 million) whereas the value of items for which export licences were granted was £7.3 million (47% of the total value of items placed under deferral and 47% in number). This compares with the ten year period from 1997-98 to 2006-07, when export licences were granted (i.e. matching offers were not forthcoming) for items worth 54 per cent of the total value of items that went under deferral at an average value of 14 million pounds a year (see Appendix E). Given the vagaries of the art market, we consider a rolling average and trends better pointers than annual individual figures, to demonstrate the effectiveness of the procedures in place.

We are also concerned that from time to time expert advisers may feel tempted not to object to the export of an item because they feel there is no possibility of raising funds for a matching offer.

Matters are being made more difficult by the recent increase in prices in the Art Market. By their very nature, 'Waverley' items are of interest to an international as well as a national audience. In general, their value moves ever upwards, often ahead of inflation, and ahead of run-of-the-mill items of their type. We are very anxious about the implications of this for the UK<sup>6</sup>. The international boom in art prices

<sup>6</sup> Appendix J of our report for 2005-06 (a report prepared for us the year before last by Kusin & Company, a Dallas-based economic research firm and one of the leading authorities on these matters indicates in some detail the nature of the issues.

<sup>7</sup> <http://www.artmarketinsight.com/en/>

has continued during 2006. While of course this benefits UK Art Trade and enhances the value of our public collections, it clearly poses problems for acquisitions. Art Market Insight<sup>7</sup>, January 2007, documents a 52 per cent increase compared with 2005 in total revenue generated by the global public auction Fine Art market, with growth most dynamic at the top end of the market. While much of this increase affects objects outwith the Waverley criteria, it is further evidence of the continuing escalation in art market prices.

Traditionally the starting point for any consideration of the way forward was to look to the Government and public money. Clearly this still has a very important part to play and we recognise and welcome the role of 'traditional' public money, which has of recent years been augmented by Lottery funding. While we echo the comment of the Select Committee on the impact of the recently announced cuts in the Heritage Lottery Fund, we welcome the doubling from £5 million to £10 million of the National Heritage Memorial Fund for 2007-08 which we hope will be maintained at least at this level in the future. From an English perspective we note with frustrated envy the use of Exchequer Grants by the Scottish Executive, which they recently used to support the acquisition of Dumfries House. As we have already mentioned the appearance on the market of Art Treasures cannot be predicted and exceptional circumstances demand exceptional solutions.

Obviously we were disappointed when the then Secretary of State felt unable to support our proposal for a new Acquisition Fund. She did, however, ask for our wider thoughts on the funding for acquisition of cultural objects by UK institutions. We suggested further investigation of the relationship between public and private sectors and what could be done to encourage greater involvement of the private sector in partnership with public monies. We urged in particular further research into the arrangements in place in the EU, USA and elsewhere to support philanthropy to see if these could be models which could be applied to the

UK. We understand further work is being carried out which we welcome and which we hope will develop some of the suggestions contained in the *Goodison Review* and *Museums and Galleries in Britain*, see below.

What we believe is emerging from the relatively stark juxtaposition of public sector financial constraint and increasing price increases in the Art Market, is the overriding need to harness the philanthropy of the owners and creators of the wealth in this country in order to safeguard our country's 'national treasures'. We believe that the acquisition of cultural items by public institutions is for the benefit of us all and for posterity. Such acquisitions add to our national, cultural and intellectual capital and have as much capacity to inspire and educate as the finest contemporary items. As the world evolves, the way in which public policy is delivered and the manner in which Government carries out its responsibilities may have to evolve too.

#### **The Commission on Unclaimed Assets consultation paper: A Social Investment Bank**

We proposed to the Commission on Unclaimed Assets consultation paper: *A Social Investment Bank* that some of the assets held in unclaimed private bank accounts might be devoted to a National Acquisition Fund. This idea was rejected by the Commission which used the National Council for Voluntary Organisation's definition of general charity to define its beneficiaries. This definition expressly excludes 'Government controlled non-departmental bodies such as museums and libraries' from benefiting from this money. This means that a real opportunity may have been lost.

#### **Museums and Galleries in Britain**

In December 2006 the Museums, Libraries and Archives Council (MLA) received a report it had commissioned from Tony Travers of the London School of Economics entitled *Museums and Galleries in Britain*, which among other topics considered acquisitions under the heading 'Collections Purchase' which we append together with Tables 4 and 5 referred in it at Appendix G.

The Report concludes that 'there will certainly be no significant (public) resources to add to collections'. This reinforces our concerns about the shortage of funds. It also draws attention to the benefits which can accrue through the 'state' relinquishing tax revenue to encourage private philanthropy, as is instanced in the United States and France. It is noteworthy that two countries that have such different attitudes to public funding of culture and the arts both now use tax incentives as a significant element in encouraging private support. We believe that the same principles could be applied to the UK with fruitful results.

#### **House of Commons, Culture, Media and Sport Select Committee Inquiry: Caring for Our Collections**

The Reviewing Committee gave evidence to the Select Committee on 9 January 2007. The main thrust of questions on export licensing involved concerns about the system. In response we stressed that the lack of available funding to purchase 'Waverley' items once a licence had been deferred by the Secretary of State remained the problem of most concern to the Committee and others. We told the Select Committee that the Reviewing Committee had made a submission to the Commission for Unclaimed Assets arguing that some of the unclaimed assets might be used for a National Acquisitions Fund. We explained that suggestions for introducing more contractually binding provisions into the systems had previously been considered by DCMS. It was concluded that a provision of this type would not be appropriate bearing in mind the legal requirement for a balance to be struck between the legitimate aims of the export control system and the general right of the individual to peaceful enjoyment of their private property. The Committee had tightened up its procedures administratively.

To help give a wider perspective, we pointed out that only a very small proportion of licence applications were referred to the Committee (22 out of 10,220 in 2005-06). In addition, both the *Goodison Review*

and the earlier Quinquennial Review of the Committee had expressed broad support for the system and believed it commanded widespread support.

The Select Committee published its report on 25 June. Many of its recommendations are beyond this Committee's terms of reference, although it is generally sympathetic to what is proposed. In particular, as we have already mentioned, we welcome the Committee's recognition of the general need for the export control system to be 'backed up by the resources to achieve its prime objective'<sup>8</sup>.

#### **Withdrawal of licence applications**

We have received representations that some public institutions have on occasions wasted time and fundraising credibility because owners have unilaterally withdrawn licence applications during the deferral period. This was considered at some length in the Quinquennial Review and subsequently by the previous Secretary of State. The conclusion reached was that it would be disproportionate in the circumstances to make any changes. Over the years there have been some cases where the Committee has had some sympathy, but we accept and must emphasise that the procedures of the export control system must be consistent with Human Rights legislation, and the protection afforded more generally by the law to a person's right to the peaceful enjoyment of their private property.

#### **Waverley criteria**

Some of the funding bodies have voiced concerns to us about the Waverley criteria (see Appendix A). It has been suggested to us that the first Waverley criterion (Is it so closely connected with our history and national life that its departure would be a misfortune?) provides the closest fit to the question 'how important is this object?'. However, we regard this as a fundamentally incorrect interpretation of the criteria and their role in our country's system of export control.

The Waverley Report of 1952, the basis of the export review system, states that **all three** Waverley criteria are of equal importance and that items found to meet the second Waverley criterion (Is it of outstanding aesthetic importance?) and/or the third Waverley criterion (Is it of outstanding significance for the study of some particular branch of art, learning or history?) are of no less importance to the nation than those meeting the first one.

Each criterion stands alone and is equal to the other two and any particular item may meet one, two or all three criteria. Each object must be considered on its own merits, and the greater the number of criteria satisfied does not in any way add to its national significance. The number given to each criterion no more indicates a ranking than the number of a composer's symphony indicates a hierarchy of merit. In addition items which the Committee considers of the highest importance are starred.

We are also considering whether the precise way in which the definition of national treasure is worded by reference to the Waverley criteria is the best wording in today's world. We hasten to add we believe, as did the Quinquennial Review, the underlying concepts and rationale are as relevant today as they have ever been.

#### **Temporary licences**

In August the previous Secretary of State wrote to say that she was happy for the proposals set out in our submission of July 2006 on temporary licences to be implemented. DCMS is currently preparing an Impact Assessment prior to conducting a consultation exercise.

#### **Current sources of funding for acquisitions**

We are grateful, as always, for the funding provided towards purchasing items placed under deferral as a result of recommendations we have made. The main sources of funding are as follows. The tables at Appendix H give further details of the funding received.

### i) The National Heritage Memorial Fund

The fund was set up under the National Heritage Act 1980 in memory of the people who gave their lives for the UK. Its purpose is to act as a fund of last resort to provide financial assistance towards the acquisition, preservation and maintenance of land, buildings, works of art and other objects which are of outstanding importance to the national heritage and under threat. The Government increased the NHMF's grant in aid from £2 million in 1997-98 to £5 million in 2001-02 and has maintained it at that level until 2006. In 2007-08 the government doubled the NHMF grant in aid to £10 million.

This year the NHMF was able to contribute £1,950,000 to support Tate's purchase of the *Blue Rigi* by J M W Turner and £4750 to support the John Rylands University Library in the purchase of the diaries, correspondence and manuscript volumes of Mary Hamilton. Both of these items were placed under deferral following a recommendation by the Reviewing Committee. Other significant NHMF grants included £750,000 towards a portrait in oil of the metaphysical poet John Donne for the National Portrait Gallery; £285,000 towards the Newark Torc, discovered and declared treasure in 2005, for the Newark & Sherwood Museums Service; and £465,596 towards a collection of 40 historic steam and other boats for the Windermere Steamboat Museum.

### ii) The Heritage Lottery Fund

The fund 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. The HLF is prepared to make grants of up to 90 per cent of the total cost for grants up to £1 million and, for larger requests, grants may be awarded of up to 75 per cent. Recently HLF made a grant of £7,500 towards the World Museum Liverpool's purchase of an Anglo-Saxon great square-headed brooch. Another highlight was a grant of £50,000 towards Norfolk Record Office's purchase of the archive of Reverend William Gunn.

The table below sets out the figures for the NHMF's and HLF's commitments to acquisitions over the past ten years, including grants awarded for the acquisition of manuscript and archive material.

In addition HLF has allocated £3 million for 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)
1997-98	5.90	17.97	0.431	24.30
1998-99	4.87	5.04	0.692	10.60
1999-00	0.66	12.92	0.991	14.57
2000-01	3.90	8.02	5.419	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	16.63
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

### iii) Support from The Art Fund

The Art Fund (formerly the National Art Collections Fund) is a charity founded in 1903, which is funded by membership subscriptions, donations, investments and legacies, the purpose of which is to enrich and preserve the public collections of art in museums, galleries and historic properties. In 2006-07, the Art Fund purchased a collection of manuscript and printed maps cut as jigsaws and housed in a mahogany cabinet for £120,000 and donated it to be shared equally between the Historic Royal Palaces and the Victoria and Albert Museum. It also purchased an eighteenth-century mantua and petticoat for £80,275 and donated it to the Historic Royal Palaces and contributed £500,000 towards Tate's purchase of J M W Turner's *The Blue Rigi* and £250,000 towards the British Library's purchase of a fifteenth-century illuminated manuscript of *The Hours of the Passion*. All four of these items were placed under deferral following recommendations by the Reviewing Committee.

### iv) Support from the MLA/ V&A Purchase Grant Fund

The MLA/V&A Purchase Grant Fund has an annual budget of £1,000,000 to assist 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 2006-07, it made 182 awards totalling £1,000,993.

The fund contributed £15,000 towards the purchase by Norfolk Record Office of the archive of the Reverend William Gunn and £25,000 towards the purchase of the diaries, correspondence and manuscript volumes of Mary Hamilton by the John Rylands University Library, £3,300 towards the purchase by Nottinghamshire County Council of the guild roll of the Guild of St Mary, Nottingham and £8,000 towards the purchase of a 'jadeite' Neolithic axe-head from Sturminster Marshall by Dorset County Museum Service. These four items were placed under deferral following a recommendation by the Reviewing Committee.

### v) Support from other grant making bodies

Other grant making bodies may also provide funding. In 2006-07, the Friends of the National Libraries contributed £10,000 and the Mercers' Company contributed £7,500 towards the Norfolk Records Office's purchase of the archive of Reverend William Gunn; The Pilgrim Trust contributed £15,000, the Friends of the National Libraries contributed £10,000 and the Society of Dilettanti Charitable Trust contributed £5,000 to the John Rylands University Library for its purchase of the diaries, correspondence and manuscript volumes of Mary Hamilton. All of these items were placed under deferral following a recommendation by the Reviewing Committee.

### vi) The Acceptance in Lieu Scheme

The scheme enables pre-eminent works of art and archives and those that make a significant contribution to buildings in public ownership to become public property so that they are secure for the enjoyment and inspiration of all both now and in the future. A wide range of items, valued at over £25m was accepted during the financial year 2006-07, including an outstanding collection of scores by Wolfgang Amadeus Mozart published during his lifetime. An important view of Rome, *The Lottery in the Piazza di Montecitorio* by Panini was accepted and allocated to the National Gallery. Full details of all the works of art and the archives accepted through the scheme in 2006-07 and in the previous five years can be found on the MLA website at [www.mla.gov.uk/website/programmes/cultural\\_property/acceptance\\_in\\_lieu](http://www.mla.gov.uk/website/programmes/cultural_property/acceptance_in_lieu).

### vii) Private Treaty Sales

If a heritage object is sold in the open market, the vendor may be liable to Capital Gains Tax and to Inheritance Tax. These tax charges are not, however, incurred where an owner sells an item already tax exempt or a pre-eminent item by Private Treaty to a body (eg 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 net what he or she would have

received at the agreed market value net after tax, but also receives a *douceur* (usually 25%) 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%) that would have been chargeable.

Private Treaty sale arrangements and the Acceptance in Lieu scheme help retain items in the United Kingdom which would otherwise be under threat of export.

### 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 could not all be represented on the Reviewing Committee, and yet their knowledge and advice is valuable. The 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 Annex J for full details).

The Advisory Council is normally convened annually and met most recently on 5 June 2007. The main issue discussed was acquisitions and how museums, libraries and archives try to raise the money to purchase items from private owners.

### 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 UK institutions) for their acquisition and to make recommendations resulting from this consideration.'

The Working Party usually meets annually, although it may meet more frequently if necessary. It met most recently on 23 May 2007 when it considered raising the Open Individual Export Licence (OIEL) threshold by £500. It also set up a Digital Images Working Group which met on 9 May to consider possible specifications if digital formats were to be accepted by the British Library as copies of manuscripts. The Working Party made two major decisions this year. Firstly, to accept the submission of digital images as copies of manuscripts provided they met a standard as set out in the Procedures and Guidance for Exporters of Works of Art and other Cultural Goods. Secondly, the Working Party agreed to raise the Manuscript OIEL threshold by £500 to £1,500 when licences are renewed in January 2008. It was also agreed that it would be compulsory for all OIEL holders to submit quarterly returns, including nil returns. These recommendations have been submitted to the Minister.

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

**i) The MLA/V&A Purchase Grant Fund**

The MLA/V&A Purchase Grant Fund reported that 32 applications had been received in respect of manuscript acquisitions and, of these, 26 were successful and received grants totalling £188,385, enabling purchases costing nearly £900,000 to go ahead. Although no cases were rejected due to lack of funds, 30 per cent of all grants awarded were reduced from the sums requested.

**ii) The MLA/PRISM Fund**

The MLA/PRISM Fund supports the acquisition and conservation of material relating to all fields of the history of science, technology, industry and medicine. During 2006-07, it was able to make two grants for the conservation of archival or similar material, totalling £4,617.

**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 2006, they made or committed 32 grants to 26 institutions totalling £126,377 from the Operating Fund and £29,500 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 £2,257,950. Acquisitions supported included £800,000 towards the purchase by the National Archives of Scotland of the Dalhousie archive, a collection containing 13,000 volumes covering 900 years of Scottish history.

**iv) The Acceptance in Lieu Scheme**

The Acceptance in Lieu scheme is also an important means of retaining archival material within the United Kingdom. In the twelve months which ended on 31 March 2007, eight offers in lieu of tax were completed which involved archival material. The acceptance of these settled over £2.6 million of tax.

**v) The National Archives' sales catalogue monitoring service**

The sales catalogue monitoring service, as a subsidiary activity, notifies repositories when manuscripts and archives are offered for sale on the open market. In 2006-07, 40 items were purchased by 31 different repositories as a result of notifications. However, there were 30 unsuccessful bids, as repositories were outbid or dealers had already disposed of material.

The Working Party strongly endorses the work of these bodies 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.



## PART II:

# Operation of the Control

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During the period covered by this report (1 May 2006 to 30 April 2007), there were 11,607 applications for export licences, covering a total of 49,267 individual items. This included 1,835 applications for manuscripts, documents or archives. Of these 49,267 items, 27,444 items, with a value of £1,842,844,793 were licensed after they had been referred to expert advisers. 17,723 items, with a value of £6,476,033,552 were licensed after the Export Licensing Unit was satisfied that they had been imported into the United Kingdom within the past 50 years. 838 of these items were manuscripts, documents or archives. 16 Open Individual Licences were issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives. 4,100 items, with a value of £1,549,816,636 were given an EC licence without reference to the question of national importance because they were valued at below the appropriate UK monetary limit.

### Cases referred to the Reviewing Committee

During the year under review, 33 cases were referred to our Committee because the appropriate expert adviser had objected to the proposed export of the object concerned on the grounds of national importance. Of these, five were withdrawn before they reached the stage of consideration by us. Accordingly 28 cases were considered at 11 meetings. The table below shows, for each of the last 10 years, the total number of works on which a decision was deferred for a period to allow an offer to purchase to be made; the number of works that were not, in fact, exported; and the number of works that were subsequently granted export licences because no offer to purchase was made at or above the recommended fair market price.

The criteria that were applied in each case by the Committee were:

- i) Is the object so closely connected with our history and national life that its departure would be a misfortune?
- ii) Is it of outstanding aesthetic importance?
- iii) Is it of outstanding significance for the study of some particular branch of art, learning or history?

(1) Year	(2) Cases considered by the Committee	(3) Cases where a decision on the licence application was deferred	(4) No of cases in (3) where items were not permanently exported	(5) Value (at deferral) of items in (4) (£m)	(6) No of cases in (3) where items were licensed for permanent export	(7) Value (at deferral) of items in (6) (£m)	(8) Percentage of cases in (3) where a licence for permanent export was eventually granted
1997-98	19 <sup>1</sup>	15	8 <sup>2</sup>	4.4	7	18.9	47
1998-99	20	17	9 <sup>3</sup>	2.5	8	21.0	47
1999-2000	18 <sup>4</sup>	13	10 <sup>5</sup>	4.5	3	5.0	23
2000-01	37 <sup>6</sup>	34	27 <sup>7</sup>	6.6	7	12.6	21
2001-02	34 <sup>8</sup>	30 <sup>9</sup>	25 <sup>10</sup>	7.5	5 <sup>11</sup>	11.4	17
2002-03	26	23	14 <sup>12</sup>	51.7	9	23.2	39
2003-04 (1 July - 30 April)	18 <sup>13</sup>	9	7	6.8	2	1.0	22
2004-05	32 <sup>14</sup>	25	15	16.2	10	30.2	40
2005-06	22 <sup>15</sup>	17	9	8.3	8	7.3	47
2006-07	28	19 <sup>16</sup>	14 <sup>17</sup>	11.8	4	10.7	21
<b>TOTALS</b>	<b>254</b>	<b>202</b>	<b>138</b>	<b>120.3</b>	<b>63</b>	<b>141.3</b>	<b>31</b>

<sup>1</sup> A further four cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

<sup>2</sup> Including one case where a matching offer was refused and the Secretary of State therefore refused an export licence.

<sup>3</sup> Including one case where the licence application was withdrawn during the deferral period.

<sup>4</sup> Including one case where the licence application was withdrawn before the Committee's recommendation was made. A further 11 cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

<sup>5</sup> Including four cases where the licence application was withdrawn during the deferral period.

<sup>6</sup> A further five cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

<sup>7</sup> Including four cases where a licence application was withdrawn during the deferral period.

<sup>8</sup> Including one case where it was found that the object had arrived in the UK within the last 50 years and a licence was issued in accordance with normal policy, one case where an application was withdrawn before the Committee's recommendation was made, and one case where the item was found to have been exported unlawfully.

<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.

<sup>10</sup> Including two cases where a matching offer was refused and the Secretary of State therefore refused an export licence, and one case where a licence was issued but the sale of the item to a UK institution was subsequently negotiated.

<sup>11</sup> A licence was issued for a further item, but a UK institution subsequently purchased the item.

<sup>12</sup> Including two cases where a matching offer was refused and the Secretary of State therefore refused an export licence.

<sup>13</sup> Including three cases where the licence application was withdrawn before the Committee's recommendation was made to the Secretary of State.

A further eight cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

<sup>14</sup> A further 15 cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

<sup>15</sup> Including one case where the licence application was withdrawn before the Committee's recommendation was made to the Secretary of State.

A further five cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

<sup>16</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>17</sup> Includes two cases where the licence application was withdrawn during the deferral period.

# Individual export cases

## Case 1

### **A PAINTING BY FRANCESCO SOLIMENA, JOSEPH AND POTIPHAR'S WIFE**

The painting is oil on canvas and measures 152.5 x 202.5cm. It depicts the moment Joseph fled after Potiphar's wife had attempted to seduce him and shows her leaning across the bed to catch hold of his coat. Joseph, in a balletic pose, rushes out of the composition. A King Charles Spaniel barks at the innocent fugitive. The applicant had applied to export the painting to the USA. The value shown on the export licence application was £1,200,000, which represented the agreed sale price.

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

The expert adviser stated that Francesco Solimena had dominated Neapolitan painting in the first half of the eighteenth century and enjoyed fame across Europe. *Joseph and Potiphar's Wife* (1689-90) was a painting of exceptional quality, preservation and rarity. The elegance and theatricality of Solimena's interpretation of the subject made it an archetypal illustration of the Neapolitan Baroque at the end of the seventeenth century. It represented the key moment of transition from Luca Giordano (1634-1705) to the more restrained classicism of Solimena and much of Neapolitan painting in the eighteenth century. It showed the artist as the various strains of influence in his youth – Giordano, Francesco di Maria, Mattia Preti – became synthesized into a personal style of great charm.

The story of Joseph and Potiphar's wife (Genesis 39:7-20) was an ideal subject for Solimena to demonstrate his skill as a narrator and his virtuosity in painting drapery, naked flesh and action. Potiphar, captain of Pharaoh's guard, bought Joseph from the Ishmaelites

and appointed him steward to his household.

Potiphar's wife took a fancy to him and on several occasions attempted to seduce him. Although Joseph rejected her advances, she continued to press him, until one day, when they were alone, she grabbed him by his cloak and ordered him to make love to her. At this, Joseph fled, leaving his cloak in her hands. Solimena has depicted the moment of flight.

The painting was generally in very good condition, apart from one small repair to the canvas and a slight greyish tinge around the face and neck of Potiphar's wife. However, the impasto was well preserved and the colours did not seem to have faded. Joseph's blue cloak was in exceptionally fine condition.

The existence of two other versions and copies testified to the great success of the composition. Indeed, there had been some confusion in the past over the different versions. Pentimenti in the left foot and right hand of the figure of Joseph may be detected with the naked eye, suggesting that this was the prime version of the picture.

The expert adviser considered that, although Solimena's work after 1705 was well represented in this country, his earlier work was rarer and there was only one example in a UK public institution. *Joseph and Potiphar's Wife* was a fine painting which showed a lightness of touch and exciting composition. The retention of this rare early work by Francesco Solimena would enable the representation of the full range of his career and achievement in this country.

The applicant did not consider the painting to be closely connected with our history or national life as neither the artist, nor subject had any relevance to Britain or British life. Whilst being an attractive painting the subject was regularly represented in British collections, and the painting itself was one of several autograph versions. Solimena was well represented in Britain. Similarly, a large number of works by Giordano were in British collections, so the Neapolitan Baroque was very well represented.

We heard this case in May when the painting was shown to us. We found that it met the second Waverley criterion. However, we did not consider that the valuation of £1,200,000 was adequately substantiated and suggested to the applicant that he seek, from the potential purchaser, confirmation that the sale had been agreed at £1,200,000 subject to an export licence being granted.

We were subsequently informed that the applicant had withdrawn the licence application.

## Case 2

### **A PAINTING BY MICHIEL VAN MUSSCHER, *PORTRAIT OF AN ARTIST IN HIS STUDIO***

The portrait is oil on panel and measures 47.6 x 36.8cm. It depicts a young artist, seated before an easel and mixing paint on a palette, in a spacious and richly furnished studio.

The applicant had applied to export the portrait to Liechtenstein. The value shown on the export licence application, £6,000,000, had changed to £6,600,000 and represented the sale price.

The Senior Curator of Early Netherlandish, Dutch and Flemish Art at the National Galleries of Scotland, acting as expert adviser, had objected to the portrait's export under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of Dutch art and painting techniques.

The expert adviser informed us that Michiel van Musscher was born in Rotterdam on 7 January 1645. He was said to have studied drawing with the history painter Martin Saagmolen (c.1620-1669) for two months in 1660; to have become a pupil of the history and portraitist Abraham van den Tempel (1622/23-1672) in Amsterdam in 1661; to have received seven lessons from Gabriel Metsu (1629-1667) in

Amsterdam in 1665; and to have spent three months in the studio of the Haarlem artist Adriaen van Ostade (1610-1685) in 1667. In 1668, the expert said that Van Musscher settled briefly in his native Rotterdam, but eventually settled in Amsterdam, where he died on 20 June 1705.

The expert adviser informed us that Van Musscher's early work consisted both of portraits and genre paintings, which showed the influence of his teachers Metsu and Ostade, as well as Nicolaes Maes, Frans van Mieris the Elder and Johannes Vermeer. By the 1670s, Van Musscher concentrated almost exclusively on portraits, many of which still retained the character of genre paintings by depicting the sitter in an everyday environment. This group included an impressive series of self-portraits and portraits of artists. Van Musscher's late works were characterised by cool tonalities with hard and sharp outlines. Eight portrait prints by his hand were known.

The expert adviser considered the *Portrait of an Artist in his Studio* to be exceptional. She said it was by far the most accomplished and well-known work by Van Musscher and had long been regarded as his most important painting. It was an early work, probably painted in the mid to late 1660s, when Van Musscher was associated with Metsu and Van Ostade, and it clearly showed their influence in the detailed rendering of the interiors, the subtle lighting and quiet atmosphere. Although painted towards the beginning of Van Musscher's career, it was the most skilled and subtle of a series of about ten self-portraits and paintings of artists by his hand.

The expert adviser informed us that tradition had it that the young artist in this painting was Willem van de Velde the Younger (1633-1707). The identification was presumably made on the basis of the drawings scattered across the studio floor, which resembled those of the famous maritime painter. The portrait was only first mentioned as representing Van de Velde in a sale catalogue of 1773, however, and the identification had not been universally accepted.

The identification of the artist, remained an open question. On the one hand, the presumed date of the painting and the trajectory of Van de Velde's career did not exclude the possibility that the identification was correct. Both Van Musscher and Van de Velde were working in Amsterdam in the 1660s. The date when Van de Velde left Holland with the intention of settling in England was not known for certain, but this appeared not to have been until the early 1670s, making it entirely possible that Van Musscher could have painted him while still in Amsterdam. On the other hand, the young artist in the studio did not resemble a known portrait of Van de Velde.

The expert adviser said that the subject of the artist in the studio derived from a long tradition of depictions of St Luke painting the Virgin. Early in the seventeenth century, the young Rembrandt portrayed an artist in a rather humble studio. Vermeer's *Art of Painting*, which was roughly contemporary with Van Musscher's work, was perhaps the most famous example. Like Vermeer, Van Musscher depicted a grand space, richly furnished, which certainly did not depict an actual workshop. The painting nevertheless provided a wealth of information about contemporary artists' working tools. Aside from the drawings, Van Musscher had taken pains to render the painter's box with pigments, the canvas stretched onto its frame resting on the easel, the palettes and the large canvases, face to the wall showing the stretchers.

Although she agreed Van Musscher was hardly a household name, the expert adviser considered this picture to be an outstanding work, not only the summit of Van Musscher's career, but a formidable example of mid-seventeenth-century Dutch painting. The subject of the picture was of great interest to those studying Dutch painting techniques and methods. If the painting did represent Willem van de Velde the Younger, then it was a valuable document about an artist who played a key role in the history of art in Britain.

The expert adviser said that the work was painted on a thick panel, which was in fine condition and appeared to be bevelled evenly around all the edges at its back. The paint surface was somewhat obscured by a yellowed varnish. Some old retouches had become visible on the back wall and the paint surface in that area had thinned, but for the most part the work was in excellent condition.

The applicant did not consider the portrait to be closely connected with the history of the UK nor with the national life of the country. He said that it had been in foreign collections for most of its existence and had thus not acquired national importance by association with a particular individual or location. He also stated that the painting was no longer thought to depict Willem van de Velde, or indeed his brother, as had been traditionally believed. As a portrait of an unknown artist, the applicant considered that its importance as a portrait diminished. Furthermore, given Van de Velde's maritime link, without the maritime relevance the painting was arguably less interesting to the British public. The applicant considered that the painting therefore lost its importance within the context of the study of Dutch portraiture. The applicant also stated that Van Musscher was not a household name amongst those artists commonly associated with the Dutch golden age and therefore would not be deemed to be an artist of outstanding national importance by the British public.

We heard this case in May 2006 when the painting was shown to us. We found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £6,600,000, 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 painting, the deferral period should be extended by a further four months.

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

### Case 3

#### **A SCOTTISH ALL-METAL FLINTLOCK BELT PISTOL, C.1670**

The all-steel scroll (or 'ramshorn')-butt flintlock belt pistol (or 'dag'), which measures 53.3cm, is of characteristic Scottish form and construction for the second half of the seventeenth century. The barrel has five raised silver bands engraved with rosettes and leaves. The engraved cock has a dog-catch, which acts as a safety catch, the steel stock with the early (c.1670) form of scroll butt.

The applicant had applied to export the pistol to the USA. The value shown on the export licence application was £63,000, which represented the hammer price at auction plus buyer's premium, but the applicant subsequently provided us with a valuation of £67,500, which represented an agreed sale.

The Curator of European Edged Weapons at the Royal Armouries, acting as expert adviser, had objected to the pistol'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 gunsmithing industry in Glasgow and Scotland as a whole, in the late seventeenth century.

The expert adviser reported that the pistol was clearly signed 'HW' on the lock, and although the latter part of the maker's signature HW on the lockplate was now indecipherable, such marks that did exist did not preclude Hendrie Wishaw from being the maker. He pointed out that current knowledge and records showed that apart from Wishaw there were no other gunmakers with these initials in Glasgow, or the whole of Scotland, known to be working at this time.

The expert adviser said that surviving Scottish pistols pre-dating the first Jacobite rebellion of 1689 were scarce, because many were destroyed after the subsequent rebellions of 1715 and 1745, and no pistols by the earlier Glaswegian 'Dagmakers' of the first half of the seventeenth century were known to survive. He therefore considered this pistol had great importance, as it could be regarded as the earliest known pistol of Glaswegian manufacture as well as the only known example pre-dating the eighteenth century.

As little scholarly work on the early history of gunmaking in Scotland had been carried out, the expert adviser said that there was obviously still much work to be undertaken regarding the maker 'HW' and his relationship to contemporary metalworkers in Glasgow and makers in Scotland, and even the forms of pistols. For instance, although the scroll-butt was a familiar form very little was as yet known about its origins. It probably evolved from the 'fish-tail' butt found on the earliest known Scottish pistols, but due to the paucity of surviving early Scottish pistols (primarily a result of various Disarming Acts, culminating in that of 1746) no transitional examples were known to have survived, and so even this premise was not easily established. This pistol therefore provided an outstanding opportunity to study the development, use and technology of such weapons. For instance, although the pistol was fitted with a belt hook, it had been suggested that pistols like it might often have been used as holster pistols by mounted troops, such as the troops of horse and dragoons of the Scottish standing army.

The expert adviser reported that despite being worn in places, the pistol was in a good state of preservation and in a very satisfactory condition for its age. It still had all its original furniture (steel pricker, trigger and iron ramrod). It appeared to be a unique survivor of the work of Hendrie Wishaw and was one of only a handful of Scottish pistols of this type and date known to have survived.

The applicant did not consider that the pistol met the Waverley criteria. He did not consider it was so closely connected with our history and national life that its departure would be a misfortune because, although it was rare, there were other similar examples in the United Kingdom. In the opinion of the applicant, pistols of this sort were essentially utilitarian with some makers' production incorporating a higher degree of workmanship than others; he did not consider this pistol to be of outstanding aesthetic importance. The applicant did not consider the pistol to be of outstanding importance for the purposes of study on the grounds that there were many Scottish pistols on public display and in private collections throughout the United Kingdom and abroad from which to study and learn. He considered that the history of Scottish gun-making was therefore fully represented.

We heard this case in May when the pistol was shown to us. We were not persuaded that the maker of the pistol had been shown to be Hendrie Wishaw or, therefore, that it was a unique survivor of his work or linked with Glasgow. We found that it did not meet the Waverley criteria. An export licence was therefore issued.

#### Case 4

### **A WATERCOLOUR PAINTING BY J M W TURNER, *THE DARK RIGI, LAKE OF LUCERNE, 1842***

The painting measures 30.5 x 45.5cm. It depicts the mountain peak known as the Rigi, which can be seen from Lucerne, rising above the lake.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £2,700,000, which represented the amount agreed in a private sale.

The Keeper of Prints and Drawings at the British Museum, acting as expert adviser, had objected to the

painting's export under the first, second 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; that it was of outstanding aesthetic importance; and that it was of outstanding significance for the study of the work, and in particular the mature work, of J M W Turner.

The expert adviser said that the art of painting in watercolours was widely recognised as one of the distinctive achievements of the British School, and J M W Turner (1775-1851) was unquestionably one of its chief innovators. Although he was more often celebrated for the radical oil paintings of his later years, Turner's life was marked by a lifelong experimentation and achievement with watercolours. It could be argued that the acclaim his work in this medium attracted was one of the chief reasons that he sustained his unrivalled position as the dominant figure on the London art world right up to his last years.

Although there was an amazing consistency to Turner's production, the expert adviser said that certain groups of watercolours by him were immediately recognised as being of significance to the status and development of the art. The most notable of these were perhaps the early views of Switzerland resulting from his 1802 tour, the large series of *Picturesque Views of England and Wales*, some of his book illustrations including those of the *Rivers of France*, and, indisputably, the spectacular late flourish of 25 views, mostly of Switzerland, that he produced for a small group of patrons between 1842 and 1845. This final group was a last attempt to win a public for the sparer, more personal aesthetic he evolved in his final years.

Turner's greatest champion, John Ruskin (1819-1900), was among the first to see the Swiss scenes of the 1840s, and they remained for him a touchstone, representing Turner at his most profoundly creative. He was particularly enthusiastic about the set of ten watercolours created in 1842, which included three

views of the Rigi: each showing the mountain at a different time of day and characterised by a defining colour or tone (Dark, Blue or Red).

The expert adviser said that although the late Swiss sets had remained one of the most highly rated aspects of Turner's works, within this grouping the three views of the Rigi were seen as especially important. Turner's interest in the ways in which different lighting and atmospheric effects transformed the same motif, studied from the same viewpoint, clearly foreshadowed the serial approaches of several later artists, including Claude Monet and Paul Cezanne.

Turner's late Swiss watercolours were produced for a group of collectors made up of Hugh Andrew Johnstone Munro of Novar (1797-1864), Elhanan Bicknell (1788-1861), Benjamin Godfrey Windus (1790-1867), together with John Ruskin and his father. During the first half of the 1840s, after his summer travels on the continent, Turner got his agent, Thomas Griffith, to show this circle of rivals the colour studies he proposed to elaborate as more conventionally finished watercolours. Each collector wrote his name on the back of the subjects he had selected, and the completed works were delivered some months later, painted on sheets of paper slightly larger than the preliminary compositions. Most of these watercolours remained with their original owners until the 1860s, though they were sometimes exchanged within the circle of commissioners, who jostled with each other in their efforts to try and outshine each other's collections. Ruskin was especially covetous of the works belonging to Munro of Novar, including the two views of the Rigi – the *Red* and the *Dark* – though he was eventually only able to persuade Munro to part with the first of these.

The expert adviser said that the *Red Rigi*, now in Melbourne, depicted a sunset effect on the mountain, while the other two watercolours depicting the Rigi were concerned with the nuances of dawn. This ratio reflected Turner's special interest in sunrise, though he was often mistakenly most closely associated with

sunsets. The expert adviser considered that the works individually conveyed their specific moments in time, thereby making plain Turner's concept. His concentration on a prevailing colour in each design was a bold device, serving to unify each image tonally in a way that was only subsequently pursued with any sense of real purpose by the artists of the 'Aesthetic Movement' in the 1870s.

The expert adviser considered that *The Dark Rigi* was a consummate example of Turner's use of watercolour, demonstrating his skilled use of scratching-out and stippling. It signalled the ways in which his own 'modern' indistinct aesthetic had outstripped contemporary taste, while at the same time highlighting the ways in which Turner could effortlessly temper his radicalism in order to accommodate expectations.

The expert adviser believed that the relationship between Turner's private sketches and his public statements was one of the most fascinating and rewarding areas of study, of especial interest for his mature work, which continued to be both controversial and popular. Because of the richness of the collection of preparatory material in the artist's own bequest at Tate Britain, it was frequently possible to study the genesis of a design from start to finish. However, because so many of the late Swiss works had left Britain, there were diminishing opportunities for the study of the connections and developments of the important final watercolours. As well as the breathtaking views of the Rigi in the 'Lucerne' sketchbook of c.1845, the Turner Bequest contained dozens of colour sketches – some still in the process of identification – which testified to the energy with which Turner stalked his subject. These also revealed the many hours of contemplative scrutiny that lay behind the sequence of three watercolours in the finished group.

Aside from their technical merits, the expert adviser pointed out that the Swiss views recorded an important development in the pattern of British

responses to Europe, as significant in its way as the earlier images of Italy arising from the Grand Tour of the eighteenth century: the middle years of the nineteenth century saw the promotion of Switzerland as a specifically British holiday destination.

The expert adviser said that *The Dark Rigi* was in splendid condition. There had been some slight fading, but nothing that could be discerned unless the very edges of the sheet were visible. The main colours were still true and strong, and the range of supplementary techniques all finely preserved.

The applicant considered that although Turner was an artist of cultural importance, his work, including his late work, was particularly well represented in the United Kingdom. He considered that the painting's display in a renowned institution in the United States would serve a useful role by broadening the awareness of British art and artistic trends abroad.

We heard this case in May when the painting was shown to us. We were not persuaded that it met the first Waverley criterion, but 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 £2,700,000 (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 painting, the deferral period should be extended by a further four months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by Tate. We were also informed of an offer from a private individual. We subsequently learned that the owner had accepted the offer from a private individual. The applicant stated that the offer from the private individual was received and accepted before he became aware of the serious expression of interest from Tate.

## Case 5

### ARCHIVE OF REVEREND WILLIAM GUNN

The three main components of the archive are:

- i) an extensive sequence of Gunn's incoming correspondence, with a few of his retained letters, amounting to over 1000 letters in all, dating between 1774 and the 1830s, bound into nine volumes;
- ii) five volumes of Gunn's diaries and one of his wife's written while they were travelling in Europe in 1792-93; and
- iii) legal papers arising from Gunn having officiated at the clandestine marriage of Prince Augustus Frederick, sixth son of George III.

The applicant had applied to export the archives to the USA. The value shown on the export licence application was £83,050, which represented the hammer price at auction, buyer's premium and dealer's commission.

The Head of Modern Manuscripts at the British Library, acting as expert adviser, had objected to the archive's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of history, art history and antiquarian scholarship in both a national and a regional context.

The expert adviser considered that the archive was of outstanding importance because it provided an exceptionally detailed picture of Norfolk society during an extended period from the late eighteenth to the early nineteenth century, both in its local workings, and in illustrating the impact of larger events on the region. Gunn was successively vicar of Felmingham, curate of Hoveton St John, rector of Sloley and from 1786 held the consolidated livings of Barton Turf and Irstead. Many of his correspondents were from this locality. The subject matter ranged from comment on Nelson and his wife as Norfolk neighbours and the revolutionary atmosphere of the 1790s to gossip about marriages and property transactions, arrangements concerning Gunn's tithes, the mustering of the local militia, the 'septennial

Mania' of local elections, and subscriptions for poor relief at times of dearth. Of particular interest were the letters from Gunn's fellow Norfolk antiquaries, Sir John Fenn, the first editor of the Paston letters and his wife Ellinor (Frere), the children's author, and Antony Norris of Barton Hall and his wife Sarah. Letters from London included much literary and cultural comment: on Sir Peter Pindar, Samuel Johnson and Jane Austen's *Emma*, amongst others.

The expert adviser also considered the archive was of outstanding importance because Gunn was a significant connoisseur, antiquary and writer on art and architecture in his own right. He was the editor in 1803 of extracts of sixteenth-century state papers on matters relating to England from the Vatican, and of a tenth-century manuscript of Nennius, 'Historia Britonnum', which he also discovered in the Vatican Library and published in 1819. He was also author of *An Inquiry into the Origin and Influence of Gothic Architecture* (1819), and of *Cartonensia, or an Historical and Critical Account of the Tapestries in the Palace of the Vatican, copied from the Designs of Raphael* (1831). His diary volumes of his Grand Tour in France and Italy in 1792-93 illuminated a key period when Europe was descending into war. They also contained descriptions of the works of art he encountered and of the researches in Italian libraries which resulted in his published works.

In addition there were many letters from local agents (including Richard Bartram and Thomas Hill of Leghorn), documenting his collecting of old master paintings, engravings and drawings, and giving news of wider events, including the progress of the Revolutionary armies in Italy and the tourist and artistic communities there. Of particular importance were two sequences of correspondence: the 38 letters from the sculptor and illustrator, John Flaxman, with accounts of his own activities in Rome, much architectural and artistic comment, illustrated with pen and ink sketches, and discussion of the St Paul's Cathedral naval monuments and other public commissions; and 60 letters from the botanist,

antiquary and collector, Dawson Turner, with detailed discussion of the antiquarian and architectural interests he held in common with Gunn. The latter ranged in subject matter over exhibitions, engravings, natural history, paintings, autographs, the Holkham collection, and visits from fellow collectors.

The expert adviser informed us that Gunn was implicated in royal politics, from having been the clergyman who had agreed to marry Augustus, younger son of George III, in secret to Lady Augusta Murray in Rome in 1793, in contravention of the Royal Marriages Act. Gunn and his son in succession were appointed the Duke's chaplains in recognition of this personal service. The archive included two volumes of printed and manuscript records, including letters from the Duke and his son, Augustus Frederick d'Este, concerning the claim of the latter to the Dukedom of Sussex, in which Gunn, at the age of 80, found himself called as a key witness.

The expert adviser drew attention to the fact that the bulk of the correspondence in William Gunn's archive had not been included in any study of his career, or in those of his most important correspondents. With the new material available, she considered that Gunn could be seen to have a rightful place in the long line of Norfolk antiquaries, scholars and collectors, beginning with Peter Le Neve and including Francis Blomefield, Thomas Martin, Sir John Fenn, Antony Norris, William Frere and Dawson Turner. She believed that the range of the material contained in the archive from European to county level, the wealth of detail from high culture to local politics and family life, the fact the archives had been virtually unknown and unstudied previously, and its close links with the surviving archives of Gunn's correspondents all meant the archive could cumulatively be considered to be of outstanding importance for study.

The applicant agreed that the archive was an important scholarly resource for the study of the eighteenth and nineteenth-century grand tour of Italy, art and collecting history and, more locally, Norfolk

political and business affairs. He considered that the US institution that had purchased the archive would be a very appropriate and responsible home for it.

We heard this case in May when the archive 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 two months to allow an offer to purchase to be made at the fair matching price of £83,050. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the archive, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the archive by Norfolk Record Office. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the archive had been purchased by Norfolk Record Office with assistance from the Heritage Lottery Fund, the MLA/V&A Purchase Grant Fund, the Friends of the National Libraries, the Mercers' Company, Norfolk Record Society, the Parson Woodforde Society and from the proceeds of a public appeal within Norfolk.

#### Case 6

### **A WATERCOLOUR PAINTING BY J M W TURNER, LAKE OF LUCERNE, FROM THE LANDING PLACE AT FLUELEN, LOOKING TOWARDS BAUEN AND TELL'S CHAPEL, SWITZERLAND, C.1815**

The painting measures 66 x 99.1cm and is signed with the initials 'JMWT' in the bottom right. It shows the mountains encircling the village of Flüelen, on the southern shore of Lake Lucerne, and looks over the part of the lake known as the Bay of Uri, featuring the distinctive tower of Tell's Chapel in the right-hand distance.

The applicant had applied to export the painting to Switzerland. The value shown on the export licence application was £2,088,800, which represented the amount agreed in a private sale.

The Curator of British Art at Tate, acting as expert adviser, had objected to the painting's export under the first, second 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; that it was of outstanding aesthetic importance; and that it was of outstanding significance for the study of the work of J M W Turner.

The expert adviser said that J M W Turner was Britain's most pre-eminent watercolour artist and *Lake of Lucerne, from the Landing Place at Flüelen* had long been recognised as one of his very finest achievements in this medium.

It appeared to have been painted in 1815, as the climax of a sequence of nine large-scale evocations of the Alps, all of which were based on material gathered during Turner's first European tour of 1802, when the Peace of Amiens temporarily permitted travel on the Continent. Though forced by the resumption of war to confine his travels thereafter to Britain, between 1803 and 1815 Turner completed many realisations of the sublime scenery he had encountered in France and Switzerland. But the most influential and widely praised were his powerful large watercolours, which seemed to rival the force and naturalism of what it was possible to achieve in oil paint, at the same time offering subtler effects and colouring. Each design was painted on a sheet of paper of the very largest format available to Turner, in effect equalling the size of oil paintings, and thereby contributing to Turner's attack on preconceived ideas of the limitations of his favoured medium. These watercolours were presented to the public at both the Royal Academy and at Turner's own gallery on Queen Anne Street, where he tended to show his more innovative and unconventional works.

The expert adviser said that this view of Lake Lucerne was one of four watercolours shown at the Academy in 1815, the others being: *The Passage of Mount St Gotthard from the Devil's Bridge*, c.1804 (Abbot Hall Gallery, Kendal); *The Great Fall of the Reichenbach*, c.1804 (Cecil Higgins Art Gallery, Bedford); and *The Battle of Fort Rock, Val d'Aouste, Piedmont 1796* (Turner Bequest, Tate). The first two of these seemed to have been painted about a decade earlier, but were included alongside the newer works as part of the collection of Walter Fawkes, who had also just acquired the *Lake of Lucerne, from the Landing Place at Fluelen* for the impressive sum of 120 guineas. This was much the same substantial figure that Turner by then placed on his smaller oil paintings, indicating his own evaluation of the artistic value of the picture as an equivalent to the best of his contemporary work. He was not alone in his assessment of the strengths of his recent creations, as one of the reviewers of the 1815 exhibition considered that Turner's group of Swiss watercolours displayed 'the richness of his fancy, his fine eye for colour, and his power over his material in water colours', while another especially drew his reader's attention to these 'admirable' works.

The expert adviser considered that the four watercolours exhibited in 1815 were clearly conceived as a group, and said it has been convincingly argued by Professor David Hill, who had worked most closely on Turner's early Swiss subjects, that the *Lake of Lucerne* and the *Battle of Fort Rock* (now in Tate Collection) were specifically intended as pendants, offering opposing states of war and peace. This was particularly significant in 1815. Indeed, the balance of power in Europe that Turner was contemplating in his images shifted significantly as a result of the Allied victory at Waterloo in June 1815, an event which took place during the period that the watercolours hung on the Academy's walls.

The expert adviser informed us that in 1819, *Lake of Lucerne* hung as the centrepiece of the main wall of the Large Drawing Room in Walter Fawkes's London home in Grosvenor Place, where it inevitably caught

the eye, and the approval, of many commentators. Many others who subsequently worked on Turner from John Ruskin onwards concurred with these contemporary assessments. Ruskin, who was not blind to the licence Turner permitted himself in his reworking of a subject, evidently felt that art and nature were supremely matched in the watercolour, for he described the work as 'one of his loveliest drawings'. From the time of its first exhibition onwards, the *Lake of Lucerne, from the Landing Place at Fluelen* had been acclaimed for the dazzling technical virtuosity by which Turner conveyed the sublimity of both the Alpine setting and of the characteristic, but transient atmospheric effects. As the last in the sequence of large Swiss views, it skilfully drew on the complicated techniques that had characterised the important experimental and ground-breaking series to which it belonged. Colours were effortlessly blended and scratched on the surface of the paper to suggest the forests rising above the lake. But perhaps the most breath-taking aspect of Turner's work was the way he had evoked the rising mists and clouds, giving both a credible sense of depth and perspective at the same time that he demonstrated their insubstantiality.

The expert adviser considered that the fact that the *Lake of Lucerne* had belonged to two of the most important private collections of Turner's works conferred on it a special interest and distinction. As part of the collection of Walter Fawkes, it contributed substantially to the post-Waterloo perception that Britain had, at last, established its own original art form – the water-colour painting. This was initially a jingoistic claim that gathered momentum during the first decade of the new century, but which seemed to be set in stone when Fawkes displayed his large collection of watercolours by Turner and other artists at his London home at Grosvenor Place in 1819 (and again in 1820). After leaving the Fawkes collection in 1890 the *Lake of Lucerne* watercolour was acquired by the shipping magnate, Sir Donald Currie, G.C.M.G. (1825-1909), chairman of the Union Castle Line. Of the collections of Turner's works put together after the artist's demise, Currie's was unquestionably the

finest. It contained 13 oil paintings and well over 50 watercolours, with the emphasis slanted towards the later works, though the *Lake of Lucerne* was evidently the prize of his earlier holdings.

The expert adviser confirmed that, despite some slight fading, the *Lake of Lucerne* had been preserved in exceptionally good condition.

The applicant said that, although the *Lake of Lucerne* was a very fine watercolour in excellent condition, Britain already had rich holdings of Turner's work in public institutions in both oil and watercolour. This included some large exhibition watercolours deriving, like the *Lake of Lucerne*, from Turner's first Swiss tour of 1815.

We heard this case in May when the painting was shown to us. We were not persuaded that it met the first Waverley criterion and, on balance, did not find that it was of outstanding significance for the study of the work of Turner because there were already examples in UK collections from the cycle of nine watercolours to which it belonged. However, we found that it met the second Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £2,088,800 (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.

Before the end of the first deferral period, we were informed that the owner had withdrawn the licence application.

#### Case 7

### **AN ANGLO-SAXON GILDED MOUNT WITH INTERLACE DECORATION**

The circular copper-alloy mount measures 8.6cm in diameter and retains most of its original gilding.

It is decorated with animal ornament of the so-called Germanic Style II, arranged concentrically in two zones.

The applicant had applied to export the mount to the USA. The value shown on the export licence application was £7,000, which represented a sale agreement.

The Keeper of the Department of Prehistory and Europe at the British Museum, acting as expert adviser, had objected to the mount's export under the second and third Waverley criteria, on the grounds that it was of outstanding aesthetic importance, and that it was of outstanding significance for the study of Anglo-Saxon fine metalwork. She considered that its quality of execution, intricate animal ornament, near-complete state and intact gilding combined to make it a most exceptional find.

The expert adviser said that the outer zone was situated directly inside the mount's rim with its three-tiered raised border. Four panels, separated by round and now empty settings, contained unusually fine and complex interlace. The highly stylised design represented the undulating body of a snake-like creature, its jaws clamped around itself. However, rather than the common type of intertwined ribbon ornament, the creature's body was depicted as a solid frame with four slit-like openings through which some of the long interlace strands denoting the jaws were wound. Separated from these panels by another three-tiered raised border was the inner ornament zone. It was wider than the outer zone and contained a procession of four interlocked animals. These were readily discernible quadrupeds with S-shaped bodies and back-turned heads. Their long jaws were again clamped around themselves. The foreleg of each animal and hind-quarter of the creature preceding it were intertwined. A large central and four smaller settings in the outer ornament zone were now empty, but would originally have held decorative bosses. These would have been made from shell or bone and may have had a small garnet roundel in the middle.

The expert adviser informed us that the mount had at some point been reused, as secondary holes drilled next to at least two of the outer bosses demonstrated. On stylistic grounds, she said that the mount could be dated to the seventh century AD.

The expert adviser considered the mount was of primary aesthetic value, notwithstanding the missing decorative bosses. The well-balanced composition of extremely fine interlacing animal motifs was of beautiful execution and fluidity. The design in the outer ornament zone represented a highly stylised version of animal interlace and was of unusual layout: the interlace strands of the jaws passed through the slotted body rather than around it, a feature that had only few parallels, one of them on the great gold buckle from Sutton Hoo. In addition, the high degree of preservation of the gilding was rare on early Anglo-Saxon objects.

The expert adviser then set out her reasons why the mount was of outstanding significance for the study of Anglo-Saxon fine metalwork. She informed us that the seventh century was a period of intense and rapid change in England, and the contribution of contemporary metalwork to an understanding of religious, political, social and artistic changes was particularly important. Moreover, fine cast metalwork of the quality of the mount was rare in Anglo-Saxon England at this period, and it was of particular interest that it had three very close parallels, probably made in the same workshop. Two identical discs had been found at a cemetery site at Allington Hill, Cambridgeshire, (now in the Ashmolean Museum, Oxford, and the Museum of Archaeology and Anthropology, Cambridge); to these had recently been added a metal-detected fragment found in the Dornoch area, Perthshire, Scotland. This latter fragment came from an area closely associated with Pictish royal control, and not far from the monastic site of Tarbat, where other evidence of Anglo-Saxon contacts had been found. In addition, the decoration of the new mount was closely linked to that of some of the earliest decorated Insular manuscripts, such

as the Book of Durrow at Trinity College Library and two Gospel books in Durham Cathedral Library. The expert adviser considered that this reawakened central questions about the influence of traditional 'pagan-style' metalwork on Christian manuscripts in the Conversion period in Anglo-Saxon England.

The expert adviser said that although the mount had lost its provenance, preserving it in the UK would permit its detailed analysis and comparison with other related pieces. Its discovery offered the potential to extend understanding of metalwork production and distribution in the seventh century, about which very little was known, of contacts between Anglo-Saxon England and the Celtic peoples to the North and, in a more general way, about the role of fine metalwork in religious and secular life. There was also fresh scope to examine the function of such mounts: their exact use was at present unknown. Although commonly described as harness fittings, it had also been suggested that they once adorned caskets, or even reliquaries. The addition of this mount would permit analysis of the group and other related pieces which could shed light on their function.

The applicant did not contest the view that the mount met the Waverley criteria.

We heard this case in July when the mount 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 two months to allow an offer to purchase to be made at the fair matching price of £7,000. 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 mount, 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 mount by the Fitzwilliam Museum. A decision on the export licence application was deferred for

a further two months. We were subsequently informed that the mount had been purchased by the Fitzwilliam Museum with assistance from the Friends of the Fitzwilliam.

### Case 8

## AN ANGLO-SAXON GREAT SQUARE-HEADED BROOCH

The copper-alloy great square-headed brooch measures 15.7cm in length and retains most of its original gilding. The front is decorated with complex chip-carved animal ornament and three-dimensional stylized masks.

The applicant had applied to export the brooch to the USA. The value shown on the export licence application was £15,000, which represented a sale agreement.

The Keeper of the Department of Prehistory and Europe at the British Museum, acting as expert adviser, had objected to the brooch's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of early Anglo-Saxon fine metalwork. She considered that the accomplished workmanship on a bold scale, intricate animal ornament, complete state and intact gilding combined to make the brooch an outstanding find.

The expert adviser informed us that the elaborate headplate ornament consisted of an outer border of stylised mask elements, with what might represent animal legs in the two upper corners. Separated by a plain ridged frame, the rectangular inner field contained stylised chip-carved animal ornament. The bow was undecorated, with three parallel ridges running along the sides and middle. The footplate was divided by a vertical ridge with two human masks in relief, and an animal mask between them; it had two side lobes and a terminal lobe. The former were plain except for two encircling grooves, the latter carried the larger human mask, also encircled by two grooves, and additionally framed with radiating grooves.

Two secondary piercings flanked the mask. Below the bow, on either side of the plate, was a downward biting animal head, each with a curved and ribbed neck, open jaws, and backward-curling lips. The footplate central panel carried chip-carved zoomorphic ornament similar to that on the headplate.

The expert adviser said that the brooch dated to the sixth century AD, and was a particularly impressive specimen. It had not been recorded or published, and was not known to the author of the most recent work on brooches of this type. It had no exact parallel among others known brooches, and was larger than most of the period.

The expert considered that the brooch's fine state of preservation, lavishly gilded surface treatment, and highly structured and enigmatic decoration all contributed to its outstanding significance for the study of early Anglo-Saxon metalwork. She said that it related to a few other high-quality sixth-century brooches, but in its large size, and different combination of elements, introduced new aspects to the overall picture. She considered it regrettable that its original context was unknown, but said that such prestige objects could have travelled some way from their point of origin, and so a findspot in itself might not have necessarily shed light on its origin. She took the view that its decoration offered potential for work on the meaning of such ornaments, a topic which was currently attracting greatly increased interest among specialists in the Anglo-Saxon and continental Germanic field. The addition of a new piece, with links to other brooches, offered an enhanced possibility of 'reading' the highly schematised animal and mask ornament which occurred in this group. Study of the details might also offer insight into the ways in which such motifs were transferred and recombined, thus possibly shedding light on workshop practice and distribution. Finally, the expert adviser considered that analysis of the alloy had the potential to give new information on workshop links and developing practices.

The applicant did not contest the view that the brooch met the Waverley criteria.

We heard this case in July when the brooch 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 two months to allow an offer to purchase to be made at the fair matching price of £15,000. 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 brooch, 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 brooch by the World Museum Liverpool. A decision on the export licence application was deferred for a further two months. We were subsequently informed that the brooch had been purchased by the World Museum Liverpool with assistance from the Heritage Lottery Fund and Friends of the National Museums Liverpool.

#### Case 9

### **A FIFTEENTH-CENTURY MANUSCRIPT *THE MASTER OF GAME*, WITH OTHER TREATISES OF HUNTING, HEALTH AND HUSBANDRY**

The book containing the manuscript measures 24 x 17.5cm. The manuscript is on vellum, bound in contemporary white leather over wooden boards with later silver clasps, with the arms and crest of Dansey of Brimson Court, Hertfordshire, and the monogram DRD.

The applicant had applied to export the manuscript to France. The value shown on the export licence application was £211,870 which represented the hammer price at auction plus buyer's premium and VAT on the buyer's premium.

The Curator of Medieval Manuscripts, Department of Special Collections and Western Manuscripts at the Bodleian Library, University of Oxford, acting as expert adviser, had objected to the manuscript's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the literature which connected the practicalities of rural affairs with the ideals of courtly life in medieval England.

The expert adviser explained that the manuscript was a compilation, containing some rare texts, at least one of which (the list of names for hounds) was apparently unique. But these were all texts of extreme fluidity. Unlike the Latin texts of ancient or patristic authors, which had the stability arising from firm attributions of authorship (whether accurate or not) and centuries of textual tradition behind them, these texts were relatively recent creations, mostly in the English vernacular, and often unattributed. They exhibited significant variations from manuscript to manuscript. Even the best known and most securely attributed of them, *The Master of Game*, royal both in its authorship and in its original dedication, had received little critical attention, and was not available in a modern printed edition.

The expert adviser considered that beyond the fluidity of the individual texts, the manuscript also needed to be studied as a whole. It was a unique compilation. Although several of the texts travelled together in other manuscripts, there was no other example of a manuscript containing exactly the same grouping. There were interesting links with the Boke of St Albans printed in 1486 and the compilation printed by Wynkyn de Worde a decade later; but although the printed and manuscript cultures overlapped, there was again no exact counterpart.

The expert adviser said that where a compilation was tailor-made in this way, it was not unusual to find (as in the manuscript before us) that some texts were extracted from longer originals: individual choices had been made about the usefulness of particular sections.

He considered that a study of the texts gathered together in relation to the quires of the book would help to establish whether it was manufactured as a single entity or put together from a series of separate booklets, in the way that literary texts were often compiled; the work of several different scribes could certainly be observed. He considered a microfilm would be inadequate for the study of these aspects of the manuscript, since it would extinguish all codicological information. There were also early additions in numerous places in the book; indeed some whole texts, such as the accounts of the diseases of hawks and their remedies, did not form part of the original plan of the book and were near-contemporary additions.

The expert adviser considered that, above all, the manuscript could contribute to our understanding of the inter-connection of down-to-earth experience and high ideals in medieval literature and life. Were the texts in this compilation intended to be used as a practical handbook, or did they represent a genre of literature for the medieval landholding classes? Success in sport, no less than in agriculture and arboriculture, required an understanding of the materials: of the hawks, hounds, and horses (and, not least, of their ailments) that were integral to it.

In so far as the orientation of these texts was practical, the expert adviser said that it was interesting that such information was circulating in written form, rather than orally: this was at the beginning of the genre of the advice manual so visible in today's bookshops. But an analysis of the production values of the manuscript might suggest that this was a book which belonged in the library rather than on the estate. Texts such as the hierarchy of birds of prey, assigned to appropriate positions in the human social order, were probably always understood as courtly allegories. Knowledge of the language, as well as of the techniques, of hunting was a fundamental part of the education of a gentleman. Hunting was considered conducive not only to good health – the manuscript also contained Lydgate's *Dietary* – but also to moral

improvement. Images of hunting and hawking abounded in Middle English literature, and canonical texts such as *Sir Gawain and the Green Knight* could not be appreciated without a knowledge of the sophisticated conventions of the chase.

The expert adviser considered that the exceptional significance of this manuscript was easily apparent. Though it had sustained minor damage, its condition was generally good: it had retained its integrity as an object.

The applicant stated that the principal text in the manuscript was not rare and survived in over 25 other manuscripts. Of the other 13 shorter texts in the volume, over half ran to just one or two pages and the only apparently unrecorded text was a list of suitable names for dogs. The volume was one of three English medieval hunting manuscripts which belonged to Prince Henry Duke of Gloucester, all of which were acquired either at auction or from the trade and which therefore had no 'heritage' background. The applicant stated that the volume before us had no illustration or illumination and no known medieval provenance.

We heard this case in July when the manuscript was shown to us. We considered that although it was a fascinating and significant object, it did not quite meet the outstanding requirements of the Waverley criteria. An export licence was issued.

#### Case 10

### **A WATERCOLOUR PAINTING BY J M W TURNER, *THE BLUE RIGI, LAKE OF LUCERNE, SUNRISE, 1842***

The painting measures 29.7 x 45cm. It depicts the mountain peak known as the Rigi, which can be seen from Lucerne, rising above the lake.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £5,832,000, which represented the hammer price at auction plus buyer's premium.

The Curator of British Drawings and Watercolours at the British Museum, acting as expert adviser, had objected to the painting's export under the first, second 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; that it was of outstanding aesthetic importance; and that it was of outstanding significance for the study of the work of J M W Turner and, in particular, his final masterpieces. She said that it had long been considered one of the highest attainments of Turner's career and, as such, constituted one of the pinnacles of British art.

The expert adviser said that Turner's achievements in the art of watercolour had remained very largely unmatched. Though his oil paintings had provoked bewilderment and the occasional hullabaloo, throughout his lifetime he had been consistently acclaimed for his work in watercolour, and, indeed, his peers had cherished him (rightly or wrongly) as the prime mover in the establishment of a native school of watercolour painting at the end of the eighteenth century. Furthermore, his works on paper could be seen to have had a far wider influence on succeeding generations than the majority of his larger finished images. For example, the Royal Academy of Arts offered a Turner award to the most favoured work in watercolour in the annual exhibition.

The expert adviser considered that the subject of the painting was a matter of even broader cultural significance. Although the earlier fashion for Grand Tours in Italy was now recognised as an established cultural phenomenon of the eighteenth century worthy of serious study, the development of mass tourism in the nineteenth century, and especially the British middle-class invasion of Switzerland in the years after Waterloo, had yet to achieve this status, though it was a noteworthy parallel trend. By producing watercolours of Swiss scenes for a circle of patrons drawn largely from the newly-wealthy mercantile and industrial classes, Turner was assuming the mantle of Canaletto and other earlier view-

makers, who had sated the taste of the *milordi* visiting Rome, Florence and Venice. His Swiss works were, therefore, important as the finest of the kinds of visual souvenirs acquired by these heirs of the Grand Tour. As Ruskin later noted, Turner's watercolours recorded the beauties of the Swiss landscape at the crucial moment of transition, and often included what he thought were unsightly new tourist hotels.

The expert adviser informed us that Turner's final Swiss views were produced for a group of collectors made up of Hugh Andrew Johnstone Munro of Novar (1797-1864), Elhanan Bicknell (1788-1861), Benjamin Godfrey Windus (1790-1867), together with the critic John Ruskin (1819-1900) and his father. They were generally considered to be among his finest sustained bodies of work in watercolour and demonstrated his consummate technical skill and inventiveness. His use of the full range of the processes available to him was one of the characteristics that especially recommended these late Swiss scenes to Martin Hardie, who singled them out in his landmark survey of British watercolours: 'In the Rigi drawings he is the insuperable master of technique. He used every possible manipulation of brush, colour and paper, every device, every weapon in his armoury, sponging, rubbing, washing, stippling, hatching, touching and retouching, to express the vibration and radiation of light. Light was his theme'.

The expert adviser said that *The Blue Rigi* was in good condition and the extraordinarily vibrant blues with which Turner had startled his first viewers were still very largely unchanged. His decision to unify his designs around a specific tone or colour was greatly in advance of his period, and anticipated some of the products of the Aesthetic Movement, as well as the sketching campaigns of Monet and Cezanne, who similarly used a single motif as a means of exploring the inflected nuances of light and colour.

The expert adviser considered that the potential for studying *The Blue Rigi* was enhanced by the possibility of studying it in the context of works in the Turner

Bequest at Tate. These included breathtaking views of the mountain in the 'Lucerne' sketchbook and dozens of colour sketches – some still in the process of identification – which testified to the energy with which Turner stalked his subject. They also revealed the many patient hours of contemplative scrutiny that lay behind the sequence of the three watercolours in the finished group.

The applicant's representative did not accept that *The Blue Rigi* met the Waverley criteria. She did not consider it met the first criterion because she said it had received virtually no public exposure except for a few occasions when it was on temporary loan to a small number of exhibitions. She maintained that while it was undeniably of aesthetic importance, it was not of outstanding aesthetic importance because the condition report provided by the applicant said that although it was in good condition, there might be some very slight fading of the more delicate tints and there were small retouched areas. She claimed that it did not meet the third Waverley criterion because Turner's works, including works of the Rigi, were well represented in the United Kingdom and there were late finished watercolours by him in many British institutions. She concluded that Turner's achievement in the medium of watercolour, his late Swiss watercolours and his series of views of the Rigi mountain could be amply studied without *The Blue Rigi* which she did not believe threw any new light on this branch of learning.

We heard this case in September when the painting was shown to us. We found that it met the second and third Waverley criteria and that it should be awarded a starred rating, meaning that every possible effort should be made to raise enough money to keep it in the country. 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 £5,832,000 (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 painting, the deferral period should be extended by a further four months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by Tate. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the painting had been purchased by Tate with assistance from the National Heritage Memorial Fund, the Art Fund (including generous support from David and Susan Gradel, and from other members of the public through the Save the Blue Rigi appeal), Tate Members and other donors.

#### Case 11

### **A PAINTING BY ALONSO SÁNCHEZ COELLO, *THE INFANTE DON DIEGO***

The painting is oil on canvas and measures 108 x 88.2 cm. The doorpost in the lower left is signed and dated 'Alfonsius Sancius. F. / . 1577.' Above is inscribed 'D. Diego de Austria, Infante'.

The applicant had applied to export the painting to Austria. The value shown on the export licence application was £2,000,000 which represented the agreed sale price.

The Assistant Director of Collections and Keeper of Paintings, Drawings and Prints at the Fitzwilliam Museum, acting as expert adviser, had objected to the painting'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 purposes of study as a rare example of Spanish court portraiture of a child, before Velasquez.

The expert adviser informed us that Alonso Sánchez Coello was born at Benifairó del Valls, Valencia in 1531/2. Early in the 1540s he went to Portugal to join his grandfather, who worked for the Portuguese

monarchs for more than thirty years and who was granted Portuguese titles of nobility. Sánchez Coello probably began his artistic training there, although there was no documentary evidence to prove it. In 1550 King John III (1502-1557) sent him to Flanders to study with Anthonis Mor (Antonio Moro, 1516/20-1576). On his return to Lisbon in about 1552 he entered the service of members of the Royal family until 1555 when he went to work for the widowed Infanta Juana, Regent of Spain, in Valladolid. She recommended him to Philip II in 1559. Anthonis Mor left Spain for the last time in 1560 and Sánchez Coello was appointed Pintor de Cámara. When the court finally settled in Madrid in 1561 he moved to the Casa del Tesoro, which became the home and studio of royal painters until the eighteenth century. Sánchez Coello died in Madrid in 1588.

The expert adviser said that Sánchez Coello was not exclusively a portrait painter and a number of religious paintings, generally inspired by Titian and other Italian painters whose work was known at the Spanish court, survived. However, it was as a portraitist that he was best known in his lifetime and as such he continued to be known to posterity. His style was a synthesis of the objectivity of the Flemish tradition, which he had learnt from Mor, and the sensuality of Venetian painting, exemplified by Titian. He copied paintings by both artists: of particular relevance to his work as a portrait painter was his copy (now in the Vienna Kunsthistorisches Museum) made in 1566 of Mor's full-length of Philip II of Spain in armour painted c.1557 to celebrate the battle of San Quentin when Hapsburg troops defeated the French (now in the El Escorial, Madrid).

Although Sánchez Coello was court painter to Philip II, the expert adviser said that only one other painting of the King could definitely be attributed to him: the half-length in armour with a field-marshal's baton painted c.1570/71, which, together with its pair, a half-length of Philip's fourth wife, Anne of Austria, was in the collection at Pollok House, Glasgow. The dearth of surviving portraits by Coello was in large part due to

the fires which destroyed many of his portraits in the Galeria de Retratos of the Hapsburg family in the palace of El Pardo in 1604 and in the old Alcázar de Madrid in 1734. Coello's portraits of the Imperial family were now scattered between Madrid in El Escorial, the Prado, the Fundación Lázaro Galdiano and the Monasterio de las Descalzas Reales, in Vienna, at the Kunsthistorisches Museum, in London in the Royal Collection and at Museums in San Diego, California and Prague.

The expert adviser said that all Sánchez Coello's surviving portraits had a grandeur of composition as befitted the regal or imperial status of his sitters, but his fundamental importance as a court painter was the relative informality, within a formal surround, of his portraits of the hapless children of Philip II. Unless there were paintings by Titian of children to which Coello had access which were no longer known, it would appear that he was the originator of the type of portrait exemplified by the one under review. The expert adviser said this type would have been of fundamental importance to Velasquez and that this portrait clearly would have been known to him as an exemplar for his own great paintings of the Spanish Royal children.

The expert adviser said that two types of children's portraits were known. One type was the double portrait, and an example of this (generally considered a studio work) was the painting depicting the Infantas Isabel Clara Eugenia and Catalina Micaela, daughters of Philip II and his third wife Elisabeth de Valois, now shown in the Green Drawing room at Buckingham Palace, painted c.1570/71. The other type was of individual potential heirs to the Spanish imperium and the present painting was this latter type.

Philip II (1527-1598) did not have much luck with his heirs. His first wife María of Portugal died in childbirth of her one son, Don Carlos (1545-1568); Mary Tudor suffered a phantom pregnancy but had no children; Elisabeth of Valois had two miscarriages, then bore two daughters, the Infantas Isabel Clara Eugenia

(1566-1633) and Catalina Micaela (1567-1597) and died in childbirth in 1568; Anne of Austria was fertile, but all of her seven children died at birth or infancy apart from Felipe, who became King of Spain in 1598 and lived until 1621. Don Diego was Anne of Austria's fourth child, born in 1575. He died aged seven in 1582.

The expert adviser informed us that the portrait showed Don Diego in 1577, dressed formally and depicted with the grave seriousness peculiar at times to the very young. His masculinity was depicted by the spear which he held in his right hand and the hobby-horse which he carried in his left, suggesting the royal parents' hopes for his future. (He was intended for the army.) Fear for his health in a family so particularly unlucky in the longevity of its children could be detected in the numerous religious and protective amulets which he wore. The details of these and of the embroidery on his dress were consummately realised and, together with the open door on to the balcony, evinced awareness of the Flemish tradition of Coello's master, Mor. The expression on Don Diego's face was trusting and at this stage of his life he bore a marked likeness to his mother, Anne of Austria. The gravity with which he gazed out at the onlooker indicated the isolation of the responsibility of being born into so important a family, but Sánchez Coello had broken the formality of his pose by including the hobby-horse as a symbol of childish pursuits. The perspective of the child's shadow projected across the floor to the dark wall behind gave a proper sense of spatial depth which was not quite realised by the drawing of the balustrade outside the open door.

In support of his view that the painting was of outstanding aesthetic importance, the expert adviser quoted the critic Gustav Waagan, who in 1857 noted that works by Sánchez Coello were seldom seen outside Spain and said of this picture: 'The truth of every portion, and the care of execution, are worthy of the high reputation as a portrait-painter which Coello bore at the Court of Philip II'.

The expert adviser said that the condition of the painting was generally good for a painting of its age. There were traces of old damages, particularly in the background, but none seemed to be of significance. The face, hands and costume were all in good condition. He informed us that a studio replica of the painting was in the Alte Pinakothek, Munich and a copy, said to be by Dulonez, was in the Museum at Versailles.

The applicant did not consider that the painting met the Waverley criteria. He said that it was not closely connected with the history of the United Kingdom nor its national life. It had been in foreign collections in Spain and France for most of its existence and had not therefore acquired national importance by association with a particular individual or location. He also said that the subject of the work, a portrait of a member of the Spanish Royal family, was far from unique within the artist's oeuvre and that other paintings of Spanish aristocracy were plentiful in public collections in the United Kingdom. These included the *Portrait of Catherine of Austria* in the Bowes Museum, *Archduke Rudolf* and *Ernest of Austria* in the Royal Collection, Hampton Court, *Philip II of Spain* and *Don John of Austria* in the Glasgow Museums, *Anne of Austria* and *Philip II* in Pollok House, Glasgow. The applicant said that the sombre, dignified aristocratic ideal which the artist's portraits were deemed to embody was therefore thoroughly represented in the United Kingdom. The applicant did not consider that Coello was a household name amongst those artists commonly associated with the Spanish golden age and stated that he would consequently not be deemed to be an artist of outstanding national importance in the eyes of the British public.

We heard this case in September when the painting was shown to us. We found that it met the second and third Waverley criteria. We did not feel able to recommend a fair matching price for the painting on the basis of the evidence provided. We therefore recommended that the Secretary of State should seek two independent valuations.

The Secretary of State agreed to this course of action. The independent valuers considered that £2,000,000 was a fair valuation.

In May 2007 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 £2,000,000 (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 painting, the deferral period should be extended by a further four months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by the National Gallery. A decision on the export licence application was deferred for a further four months. A decision on the export licence has been further deferred in view of the investigation by HM Revenue and Customs into information provided to the Committee and the seizure of the painting by HM Revenue and Customs.

#### Case 12

### **A COLLECTION OF MANUSCRIPT AND PRINTED MAPS CUT AS JIGSAWS AND HOUSED IN A MAHOGANY CABINET**

The cabinet contains dissected and manuscript maps, which have been engraved and mounted on wood, and a nineteenth-century manuscript note which reads as follows: 'Cabinet belonging to Lady Charlotte Finch (sister to Lady Juliana Penn) Governess to the children of George the Third. She was the inventor of dissecting maps & those in this cabinet were expressly made for, & always used in teaching Geography to George the fourth, his Brothers & Sisters'. The applicant had applied to export the cabinet containing dissected maps to the USA. The value shown on the export licence application was £120,000 which represented the applicant's estimate of the item's commercial value.

The Head of Map Collections at the British Library, acting as expert adviser, had objected to the export of the cabinet containing dissected maps under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the origins of the jigsaw puzzle.

This item had previously been before the Committee in September 2000 and April 2004 and on both occasions had been found to meet the third Waverley criterion. On each occasion, the application had been withdrawn before our recommendation was made to you. Reports of the case hearings are included in our Annual Reports for 2000-01 and 2003-04.

The expert adviser referred us back to his previous statement and Jill Shefrin's book *Such Constant Affectionate Care: Lady Charlotte Finch – Royal Governess & the children of George III* which he considered to be meticulously researched. The book, which contained a certain amount of new information, did not disprove the hypothesis that the jigsaw puzzle originated in England and offered further evidence that Lady Charlotte's cabinet contained the earliest surviving examples of dissected maps (jigsaw puzzles) whether or not Lady Charlotte had invented them.

The expert adviser considered that even after Shefrin's studies, there was further potential for research. The relationship between Lady Charlotte and John Spilsbury, who commercially marketed dissected puzzles and whose imprint was on two dissected maps in the cabinet, had not yet been resolved. The nature and sources of the other dissected maps in the cabinet also remained to be discovered and were likely to yield further information about the origins of dissected maps and thus of the jigsaw puzzle.

The applicant had stated that he was content to accept the Committee's previous finding that the cabinet containing dissected maps met the third Waverley criterion.

We heard this case in September 2006. We agreed unanimously to confirm the earlier findings that the cabinet containing dissected maps met the third Waverley criterion. We did not feel able to recommend a fair matching price for the cabinet containing dissected maps on the basis of the evidence provided. We recommended that the Secretary of State should seek an independent valuation. The Secretary of State agreed to this recommendation. The independent valuer considered that £120,000 was a fair valuation.

In November 2006 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 £120,000 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 cabinet containing dissected maps, 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 cabinet jointly by Historic Royal Palaces and the V&A Museum of Childhood. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the cabinet had been purchased by the Art Fund, who donated it as a gift to be shared equally between Historic Royal Palaces and the Victoria and Albert Museum of Childhood.

### Case 13

## AN EIGHTEENTH-CENTURY MANTUA AND PETTICOAT

The mantua and petticoat are made of what was called in the eighteenth century an orrace tissue: an ivory silk, very richly woven with additional warp and weft in three different qualities of silver thread. The pattern of flowers and leaves against a striped ground suggests a date of about 1755 to 1763.

The applicant had applied to export the mantua to the USA. The value shown on the export licence application was £80,275 which represented the hammer price at auction plus auctioneer's premium.

The Senior Curator of Textiles at the Victoria and Albert Museum, acting as expert adviser, had objected to the mantua's export under the first, second 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; that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the English mantua in general and its function at the English court.

The expert adviser considered this mantua to be an exceptionally fine example of a uniquely English style of court dress. It filled an important gap in the knowledge of English court dress between 1760 and 1775. Furthermore, the relatively untouched state of the ensemble offered an accurate view of the cut and construction of the mantua after 1760.

The mantua and petticoat descended from Charles Wentworth-Watson, 2nd Marquis of Rockingham (1730-1782). The Rockingham seat, Wentworth Woodhouse in Yorkshire, was the largest and one of the finest eighteenth-century country homes in Britain. It once housed a splendid collection of furniture and paintings dating from the seventeenth and eighteenth centuries. The Marquis died childless in 1782, at which point his titles became extinct. His estates and other properties, passed to his nephew,

the 4th Earl Fitzwilliam. The title and estates passed through successive generations until the death of the 8th Earl Fitzwilliam in 1948. The mantua descended to his widow Olive, Countess Fitzwilliam.

Given the mantua's established descent from the 2nd Marquis Rockingham, it was most likely associated with his wife, Mary, 2nd Marchioness Rockingham, née Bright (1735-1804). Rockingham served as prime minister twice, 1765-1766 and 1782 and led the Whig opposition under the name of the Rockingham Whig Party from 1766-1770. Mary, 2nd Marchioness Rockingham, warranted an entry in the *Dictionary of National Biography* in her own right and was acknowledged by several biographers for her role in support of her husband's political activities. She acted as an unofficial secretary (many of Rockingham's letters are in her hand) and was credited as skilfully placating some of his more awkward associates and soliciting their support.

As Marchioness of Rockingham, Mary would have attended court in the appropriate mantua for the celebrations of the King's and Queen's birthdays, and other regular occasions. She would have certainly worn a mantua for the marriage of George III and Princess Charlotte of Mecklenburg-Strelitz on 8 September 1761 and their coronation on 26 September 1761. As wife of the prime minister, from July 1765 until 30 July 1766, Mary would have held an even more important position at court. It is highly likely that this mantua corresponds to this particular period in her life. Furthermore, as an heiress in her own right (she brought a dowry of £60,000) and the wife of one of the wealthiest peers in Britain, Mary was one of the few women who could have afforded a court mantua as expensive as this one.

The extensive archive of the Rockingham family is held in Sheffield Archives and might hold references to the mantua. Letters from the 2nd Marchioness of Rockingham can also be found in the Portland Papers, University of Nottingham and the Savile papers in Leeds Archives. A brief suggestion of the Marchioness

of Rockingham's interest in dress comes from Lady Mary Coke's journal. She noted on August 27th 1768, 'I am sorry Lady Rockingham has put herself to the expense of two new Sacks (sack-back gowns) for the King of Denmark, who She will certainly not see, as the Yorkshire journey is quite at an end'.

The expert adviser explained that the mantua and petticoat were made of a very richly woven ivory silk. Such a silk could have been woven either in Spitalfields, London or Lyons, France, the two major centres of silk production in Europe in the eighteenth century. The width of the silk at 20.25 inches suggested English manufacture, French silks were usually slightly wider or narrower, while the weave and pattern appeared French in their opulence and formality. However, given the fierce competition between Spitalfields and Lyons and the degree to which the English copied French designs, it was impossible to state definitely the origin of the silk without further research.

Wherever it was woven, the silk would have been extremely expensive. In the hierarchy of silk prices, those with a pattern cost more than plain. The more complicated the design and diverse the range of colours, the more expensive the silk. Those woven with metal thread were most costly and within that hierarchy, only a silk woven with silver-gilt would have fetched a higher price than the silver tissue of this mantua. In addition to the splendid fabric, the mantua was trimmed with silver lace around the sleeve ruffles, robings and ruffle at the top of the train at the back.

The expert adviser stressed the importance of the survival and superb condition of this mantua at a time when textiles such as this were often melted down to regain the precious metal, once they went out of fashion. Those few that survived tended to be found in the European armoury collections where they were consciously preserved for posterity as part of the national heritage. Moreover, the condition of this piece was extraordinary as there was hardly any oxidation of the silver in both the lace and the woven

silk. Not only was it virtually untarnished, but no other surviving mantua bore so much silver thread.

This mantua and petticoat filled a crucial gap in the history of the mantua in general and its function at the English court in particular. The ensemble must have been English as Britain was unique in its adoption of the mantua for court dress. Furthermore, English court dress was specific to a very limited number of locations and occasions. As the most formal type of dress, it was required only for particular events held primarily at St. James's Palace (and Westminster Abbey for coronations and royal weddings). Court dress would not have been worn anywhere else in Britain or its colonies.

The relatively untouched state of this ensemble offered an accurate view of the cut and construction of the mantua after 1760. The petticoat had been narrowed with two large, easily reversed tucks; the original stomacher was missing and the lace may have been changed during the eighteenth century. However, none of the seams had been unpicked, nor had the petticoat or mantua been re-shaped or reconstructed. The original pleating of the petticoat remained, as did the linen tape tie.

The expert did not agree with the applicant's claim that the mantua was a wedding dress, as she had found no examples of mantuas being worn for private weddings during the period in question, and considered this unlikely.

The applicant did not agree that the mantua and petticoat met the Waverley criteria and considered it to be a formalised old-fashioned version of a far more significant form introduced in the late seventeenth century/first decade of the eighteenth century. The earlier versions were considered the more critical to establishing the evolution of the dress by costume historians.

The applicant did not consider the dress was a court gown, but a wedding dress. Silver and ivory, traditional colours of virginity, had been worn by royal and noble brides from the middle ages. The applicant considered it was significant that the fabric included a wheat pattern and vertical stripes which were a conventional marriage symbol of fertility. She also stated that the gown's measurements and height would have corresponded more closely to those of a young woman, rather than a matronly figure, as Mary Rockingham would have been by the 1760s.

The applicant agreed with the expert adviser that the mantua dated from the mid-1760s, and pointed out that this would coincide with the wedding dates of two of the nieces of the second Marquess of Rockingham, both of whom were married in 1764. She thought they may have both worn the dress, and that alterations were made for the second wedding. The applicant agreed that the mantua had neither significantly nor irretrievably been altered. However, the applicant did consider that there were more significant court mantuas already in British collections.

We heard this case in October when the mantua and petticoat were shown to us. We found that the mantua met the second and third Waverley criteria and that it should be awarded a starred rating, meaning that every possible effort should be made to raise enough money to keep it in the country. 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 £80,275 (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 mantua, 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 mantua by Historic Royal Palaces. We were subsequently informed that the mantua had been



**Plate I** A painting by Francesco Solimena, *Joseph and Potiphar's Wife*

**Plate II** A painting by Michiel van Musscher, *Portrait of an Artist in his Studio*



**Plate III** A watercolour painting by J M W Turner, *The Dark Rigi, Lake of Lucerne*, 1842

**Plate IV** Archive of the Reverend William Gunn

**Plate V** A watercolour painting by J M W Turner, *Lake of Lucerne, from the Landing Place at Fluelen, Looking towards Bauen and Tell's Chapel, Switzerland*, c.1815





**Plate VI** An Anglo-Saxon gilded mount with interlace decoration



**Plate VII** An Anglo-Saxon great square headed brooch

**Plate VIII** A watercolour painting by J M W Turner, *the Blue Rigi, Lake of Lucerne, Sunrise*, 1842





**Plate IX** A painting by Alonso Sánchez Coello, *The Infante Don Diego*



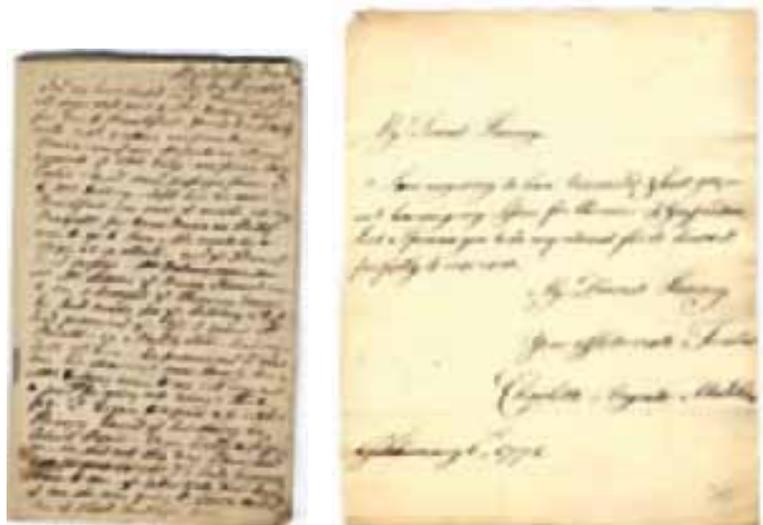
**Plate X** A collection of manuscript and printed maps cut as jigsaws and housed in a mahogany cabinet



**Plate XI** An eighteenth-century mantua and petticoat

**Plate XII** A felt appliqué and patch-worked album coverlet made by Ann West in 1820

**Plate XIII** Diaries, correspondence and manuscript volumes of Mary Hamilton







**Plate XIV** A painting by John Constable, *Flatford Lock from the Mill House*

**Plate XV** A painting by Karel van Mander the Elder, *The Crucifixion*

**Plate XVI** A bronze statuette after Pierre Legros the Younger, *Marsyas*

**Plate XVII** An eighteenth-century man's embroidered banyan and waistcoat

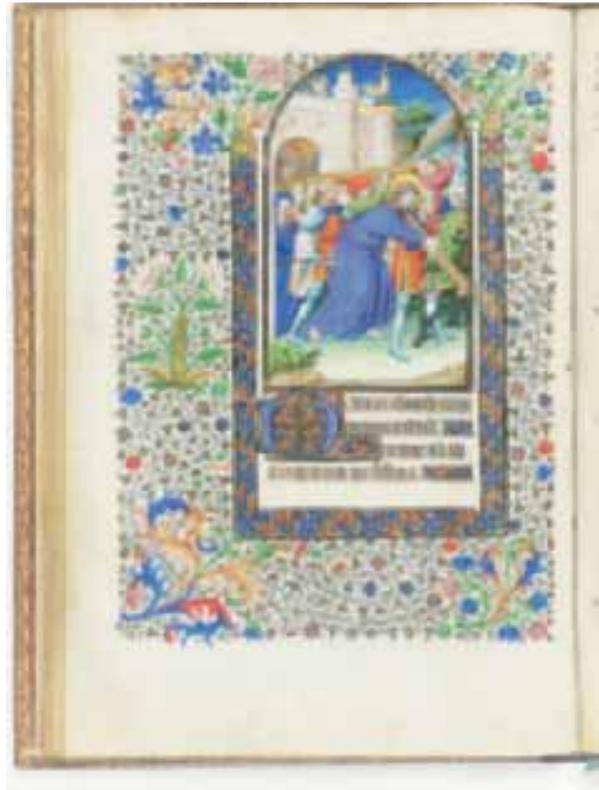
**Plate XVIII** A Neolithic 'jadeite' axe-head from Sturminster Marshall, Dorset

**Plate XIX** The guild roll of the Guild of St Mary, Nottingham, 1371





**Plate XX** An Anglo-Saxon silver-gilt zoomorphic mount



**Plate XXI** A fifteenth-century illuminated manuscript of the Hours of the Passion

**Plate XXII** An eighteenth-century Union flag



purchased during the initial deferral period by the Art Fund, who had donated the mantua to Historic Royal Palaces.

#### Case 14

### THE PUSEY HOUSE COLLECTION OF THE PAPERS OF MRS HUMPHREY WARD

The collection in question represented nearly half of the letters and papers originally inherited by Mrs Humphry Ward's granddaughter, Mrs J R H Moorman. In the 1960s Mrs Moorman divided the papers, gave half to Pusey House (more than 2,200 letters, mainly private and family correspondence), and sold the other half (mainly publishing letters and the manuscripts of the novels). The Pusey House collection was augmented in 1987 by a further gift of family papers presented by Lady Huxley, the widow of Mrs Ward's nephew Sir Julian Huxley.

The applicant had applied to export the archive to the USA. The value shown on the export licence application was £58,000, which represented an agreed sale price.

The Head of the National Museum of Photography, Film and Television, acting as expert adviser, had objected to the export of four albumen prints in the archive under the first, second 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; that they were of outstanding aesthetic importance; and that they were of outstanding significance for the study of photography. The photographs in question showed Julia Arnold in Chinese dress, standing (1871, measurements 155 x 133mm), Julia Arnold in Eastern dress with rocking horse (early 1870s, measurements 128 x 101mm), Julia Arnold in Gypsy dress (early 1870s, measurements 148 x 105mm) and Julia Arnold in contemporary dress seated in an upholstered chair (early 1870s, measurements 126 x 101mm).

The expert adviser stated that the objection to the export of the photographs was based on Charles Lutwidge Dodgson's significant contribution to both literature and to the art of photography. As a historical figure, he was deeply rooted in the popular imagination as the author 'Lewis Carroll', his books were amongst the most cherished in the world, and his work continued to play an important role in contemporary cultural life. His photographs stood alone as a considerable aesthetic achievement, but also illuminated other facets of his creative work. They provided a unique insight to the creative process and the development of Dodgson's distinctive aesthetic as a nineteenth century master of portraiture. The expert adviser considered that the permanent removal of photographs by Dodgson would heighten the absence of primary material to celebrate such a revered individual who figured so strongly in our national heritage.

The expert adviser informed us that Charles Lutwidge Dodgson was born on 27 January 1832 at the parsonage at Daresbury in Cheshire. He was the eldest son and third child (out of eleven) of an Anglican clergyman Charles and Frances Dodgson (née Lutwidge). He was eleven when his family moved to Croft in North Yorkshire and, at the age of twelve, was sent to Richmond School as a boarder. On 27 January 1846 Dodgson was enrolled at Rugby and stayed for three years. It was during this time that he devised ways to entertain his brothers and sisters, in the form of magazines containing poems, stories and drawings. These magazines included *Useful and Instructive Poetry*, *The Rectory Magazine*, and *The Rectory Umbrella*.

In 1850, Dodgson matriculated at Christ Church, Oxford. For the next five years he worked steadily until he attained a college Mastership (in October 1855). During this time he continued to write and compiled a scrapbook of his best writings called *Mischmasch*. This included a *Stanza of Anglo-Saxon Poetry* that was to become the first verse of his later nonsense poem *Jabberwocky*. Of all of Dodgson's

literary work the two books describing the experiences of 'Alice' (published in 1865 and 1872), were his most distinguished and well known. In 1856 he took up photography which became a serious preoccupation until 1880.

Dodgson was a close friend of the Arnold family. Julia Arnold, who was shown in the photographs before us, was the daughter of Thomas Arnold the younger (the son of Thomas Arnold, the scholar and head of Rugby School) and the niece of the poet, Matthew Arnold. Her sister, Mary Augusta Arnold, became a famous novelist under her married name of Mrs Humphry Ward. Julia was brought up in Oxford and gained a first class degree in English Literature from Somerville College in 1882. In 1885, she married the writer, Leonard Huxley. She was the mother of the well-known novelist, Aldous Huxley. The expert adviser considered that the photographs before us represented a record of the complex relationship between Dodgson and his 'child friends'.

Dodgson took up photography at a time when commercial portraiture was growing in popularity. The social network offered through Christ Church (and its influential Dean – Henry George Liddell) provided excellent opportunities for this aspiring young man and his photographic art. Dodgson's photographs therefore spoke of the social rituals of the Victorian period where photography was increasingly used as a means of reinforcing identity and social status.

Between 1856 and 1880, Dodgson took many portraits, not only of his many 'child friends', but of major figures such as Frederick, the Crown Prince of Denmark, Arthur Hughes, Alphonse Legros, Queen Victoria's youngest son, Prince Leopold, George MacDonald, John Everett Millais, Alexander Munro, Dante Gabriel Rossetti, and Alfred, Lord Tennyson. The expert adviser said that in this respect Dodgson's work and influence belonged to a larger cultural landscape where the worlds of literature, society portraiture and painting overlapped in important ways. He considered that Dodgson's photographs represented an important

study resource in relation to culturally and socially influential Victorian individuals. They told about class, dress and Victorian sensibilities in one of the intellectual and cultural centres of Britain during the nineteenth century.

The expert adviser said that Dodgson was widely acknowledged as an outstanding pioneer in British photography and that he took, without question, some of the most compelling and aesthetically refined portraits of the nineteenth century. His ability was recognised early in his career when his work was shown in February, 1858, at the fifth exhibition of the Photographic Society of London. Key photographers such as Clementina Lady Hawarden, Julia Margaret Cameron, Henry Peach Robinson and Oscar Rejlander, were all known to Dodgson. His photographs, like much of their work, were part of a cultural stance for the new 'art' of photography.

The expert adviser informed us that of the 1,669 known surviving prints by Dodgson, only 30 per cent (495) were in the United Kingdom. No other prints of three of the portraits before us were known to exist in any public or private collection and there were only three other prints of the portrait of Julia Huxley in Oriental dress, two of which were abroad.

The applicant stated that Mrs Humphry Ward, the granddaughter of Doctor Thomas Arnold of Rugby, was a minor late-Victorian novelist whose most successful work, *Robert Elsmere*, was still in print. She was also an indefatigable letter writer. The applicant considered that her personal correspondence was of much biographical interest and of some significance for women's studies, but did not consider it met the Waverley criteria.

We heard this case in October, when the archive including the photographs were shown to us. We agreed that the photographs were of interest, but did not find that they reached the standard required by the Waverley criteria. An export licence was issued.

## Case 15

**A PHOTOGRAPH BY CHARLES LUTWIDGE DODGSON (ALSO KNOWN AS LEWIS CARROLL) OF JULIA ARNOLD IN CHINESE DRESS, 1871**

The photograph is an Albumen print from a wet collodion negative and measures 5.5 x 13.3 cm.

The applicant had applied to export the photograph to Switzerland. The value shown on the export licence application was £23,684, which represented an agreed sale price.

The Head of the National Museum of Photography, Film and Television, acting as expert adviser, had objected to the photograph's export under the first, second 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; that it was of outstanding aesthetic importance; and that it was of outstanding significance for the study of photography.

The expert stated that the objection to the export of the photograph was based on Charles Lutwidge Dodgson's significant contribution to both literature and to the art of photography. As a historical figure, he was deeply rooted in the popular imagination as the author 'Lewis Carroll', his books were amongst the most cherished in the world, and his work continued to play an important role in contemporary cultural life. His photographs stood alone as a considerable aesthetic achievement, but also illuminated other facets of his creative work. They provided a unique insight to the creative process and the development of Dodgson's distinctive aesthetic as a nineteenth-century master of portraiture. The expert adviser considered that the permanent removal of photographs by Dodgson would heighten the absence of primary material to celebrate such a revered individual who figured so strongly in our national heritage.

The expert adviser informed us that Charles Lutwidge Dodgson was born on 27 January 1832 at the parsonage at Daresbury in Cheshire. He was the eldest son and third child (out of eleven) of an Anglican clergyman Charles and Frances Dodgson (née Lutwidge). He was eleven when his family moved to Croft in North Yorkshire and, at the age of twelve, was sent to Richmond School as a boarder. On 27 January 1846 Dodgson was enrolled at Rugby and stayed for three years. It was during this time that he devised ways to entertain his brothers and sisters, in the form of magazines containing poems, stories and drawings. These magazines included *Useful and Instructive Poetry*, *The Rectory Magazine*, and *The Rectory Umbrella*.

In 1850, Dodgson matriculated at Christ Church, Oxford. For the next five years he worked steadily until he attained a college Mastership (in October 1855). During this time he continued to write and compiled a scrapbook of his best writings called *Mischmasch*. This included a *Stanza of Anglo-Saxon Poetry* that was to become the first verse of his later nonsense poem *Jabberwocky*. Of all of Dodgson's literary work the two books describing the experiences of 'Alice' (published in 1865 and 1872), were his most distinguished and well known. In 1856 he took up photography which became a serious preoccupation until 1880.

Dodgson was a close friend of the Arnold family. Julia Arnold, who was shown in the photograph before us, was the daughter of Thomas Arnold the younger (the son of Thomas Arnold, the scholar and head of Rugby School) and the niece of the poet, Matthew Arnold. Her sister, Mary Augusta Arnold, became a famous novelist under her married name of Mrs Humphry Ward. Julia was brought up in Oxford and gained a first class degree in English Literature from Somerville College in 1882. In 1885, she married the writer, Leonard Huxley. She was the mother of the well-known novelist, Aldous Huxley. The expert adviser considered that the portrait of Julia Arnold before us represented a record of the complex relationship between Dodgson and his 'child friends'.

Dodgson took up photography at a time when commercial portraiture was growing in popularity. The social network offered through Christ Church (and its influential Dean – Henry George Liddell) provided excellent opportunities for this aspiring young man and his photographic art. Dodgson's photographs therefore spoke of the social rituals of the Victorian period where photography was increasingly used as a means of reinforcing identity and social status.

Between 1856 and 1880, Dodgson took many portraits, not only of his many 'child friends', but of major figures such as Frederick, the Crown Prince of Denmark, Arthur Hughes, Alphonse Legros, Queen Victoria's youngest son, Prince Leopold, George MacDonald, John Everett Millais, Alexander Munro, Dante Gabriel Rossetti, and Alfred, Lord Tennyson. The expert adviser said that in this respect Dodgson's work and influence belonged to a larger cultural landscape where the worlds of literature, society portraiture and painting overlapped in important ways. He considered that Dodgson's photographs represented an important study resource in relation to culturally and socially influential Victorian individuals. They told about class, dress and Victorian sensibilities in one of the intellectual and cultural centres of Britain during the nineteenth century.

The expert adviser said that Dodgson was widely acknowledged as an outstanding pioneer in British photography and that he took, without question, some of the most compelling and aesthetically refined portraits of the nineteenth century. His ability was recognised early in his career when his work was shown in February, 1858, at the fifth exhibition of the Photographic Society of London. Key photographers such as Clementina Lady Hawarden, Julia Margaret Cameron, Henry Peach Robinson and Oscar Rejlander, were all known to Dodgson. His photographs, like much of their work, were part of a cultural stance for the new 'art' of photography.

The expert adviser informed us that of the 1,669 known surviving prints by Dodgson, only 30 per cent (495) were in the United Kingdom.

The applicant stated that the subject of the photograph, Julia Arnold, was hardly known in her own right: she was the niece of the poet and critic Matthew Arnold, she married Leonard Huxley and Aldous Huxley was her son. The applicant considered that the portrait before us was a charming example of Dodgson's photography, but did not consider it met the Waverley criteria.

We heard this case in October, when the photograph was shown to us. We agreed that it was of interest and presented an engaging image, but did not find that it reached the standard required by the Waverley criteria. An export licence was issued.

#### Case 16

### **A FELT APPLIQUÉ AND PATCH-WORKED ALBUM COVERLET MADE BY ANN WEST IN 1820**

The coverlet, which measures 221 x 244cm, is made from a variety of wool cloths in black, red, beige, brown, cream and blue, together with extensive embroidery and some inked labels. It is arranged in a framed style with a central rectangle and other four-sided blocks, in a series of borders and a scallop-shaped edge. The centre and the blocks depict scenes from the Bible and from domestic life together with flowers, birds, animals, fish and hearts.

The applicant had applied to export the coverlet to the USA. The value shown on the export licence application was £34,450, which represented the sale price.

The Senior Keeper, Beamish, North of England Open Air Museum, acting as expert adviser, objected to the coverlet'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 social history, folk art, working costume of the early 1800s, imagery in figurative quilts and coverlets, and the history and development of textiles in the British Isles. The expert adviser was assisted by the Quilters' Guild of the British Isles.

The expert adviser considered the coverlet a remarkable English textile treasure and a rare and important piece of English folk art. Visually and aesthetically, it was a striking example of a domestic textile worked in patchwork and appliqué. It was rare that such pieces, which were made generally by women in the domestic environment, were signed or even dated. This pictorial coverlet bore both a signature and date of 1820, making it the earliest example of an appliqué figurative coverlet in wool, made by a woman, known to survive in Britain.

The coverlet's central rectangle contained a Tree of Life-style depiction of the Garden of Eden with many animals and flowers with Adam and Eve in the border below and biblical shepherds in the border above. Biblical scenes also included David and a beheaded Goliath, the discovery of Moses, and the Burning Bush. There was also an imaginative selection of domestic images from everyday life surrounding the centre panel. Many of these images were labelled in embroidery: 'Old Acquaintances', 'An Auctioneer', 'Farmer and Milkmaid', 'Servant and Master', 'Sportsman', 'Your Honour Madam', 'Caffrs', 'Friendship', and 'Sweeps', and others had labels as speech balloons with inked speech such as 'Amen' from the congregation at the wedding scene. Two floral blocks bore the embroidered legends 'Forget Me Not' and 'Remember Me', and another 'Ann West's Work 1820'. The narrow outer border at the bottom depicted seashells and fish whilst the upper outer border showed flowers, fruit and leaves. Hearts and simple four-petalled flowers ran down the outer side borders.

The coverlet exhibited a three dimensional quality and wonderful attention to detail. The designs within the blocks were made from appliqué and the larger

background components within each block, as well as the blocks themselves, were pieced together. The complex images had been built up by applying pieces of wool cloth, which were often manipulated by folding, tucking and ruching to create texture and depth, and an illusion of dimension. The images were extensively embroidered to add further details such as facial features, details on clothing such as buttons or trim and fur and feathers on the animals and birds. All pieced seams both within blocks and joining the blocks had been covered with a loose chain stitch in off white, which was decorative as well as functional.

Museum sources and the research undertaken by the British Quilt Heritage Project, run by the Quilters' Guild of the British Isles, confirmed that pieced and embroidered quilts from the early eighteenth century into the early nineteenth century still existed, but they were usually executed in silk on silk, or cotton on cotton. Of the 4000 items documented, no quilts or coverlets of the period were in wool and none showed such detailed domestic and biblical scenes as the Ann West example. Mosaic patchwork was the preferred technique for patchwork during the eighteenth and very early years of the nineteenth century. Appliqué and other piecing techniques gradually became more popular and it was significant that the Ann West coverlet was constructed using appliqué in 1820.

The expert adviser informed us that the style of the Ann West coverlet was comparable with known pictorial quilts and coverlets made by tailors. These were often figurative pieces made in woollen cloth by known male makers of the second half of the nineteenth century, mostly using the technique of inlaid patchwork. These were constructed from thick felted wools using a technique that achieved a result that resembled marquetry in wood. Some of these seemed to have links with exhibits in the Great Exhibition of 1851. Many of the designs used in this group appeared to have been inspired by commercial images such as theatrical prints. Inlaid patchwork had also been seen in some pieced uniform coverlets, which were often made by military tailors later in

the nineteenth century. However whilst these inlaid coverlets were made in wool and appeared to copy contemporary prints and pictorial designs, their technique, style and context was completely different to the Ann West coverlet. They also dated from the 1840s at the earliest. The Ann West coverlet was unique, in that it has been made by a woman, in appliqué, in fine wool fabrics at a much earlier date. Such surviving pieces were essential for further documentation and study, in order to build up a picture of the history of patchwork and appliqué at this period.

The expert adviser stated that recent research had shown that patchwork, quilting and appliqué should not be regarded just as thrift crafts worked in a climate of poverty and need, and that often items, particularly during the early part of the nineteenth century, were worked because they were fashionable crafts of the time. She also informed us that the availability of printed newspapers in fashionable households gave women, despite the lack of a formal education, an opportunity to discuss world issues. The imagery, which Ann West used, was important in the context of British History nationally, and the representation of current affairs at the time. Appliquéd figures illustrated *Caffrs*, a terminology specific to South Africa, which became British in 1806. The Negro *Servant and Master* could well relate to the Abolition of Slavery in 1807, which would indicate a knowledge and awareness, on the part of Ann West, of anti-slavery propaganda issues of the period. The *Poor Sailors* might have portrayed the after effects of the Napoleonic Wars, as indeed might the stylish soldiers in their smart red uniforms.

The expert adviser considered that the coverlet was important in terms of our cultural and social history, in that it represented a depiction of human figures from all walks of life, dressed in the costume of the period. These appliquéd figures replicated in great detail the history of costume of ordinary working folk of the early 1800s, a period when there were few illustrations of the common people and their

occupations. Thus the coverlet provided a wonderful opportunity for further research into the working costume of ordinary people.

Ann West may have been influenced, in her imaginative appliqué, by the contemporary popular literature of the day, adapting her images from illustrative prints, political cartoons, chapbooks, penny posters, and broadside ballads. The latter were often illustrated with woodcuts and these provided an important source for the study of popular art in Britain. Some of the figures were reminiscent of the humorous tail-pieces in woodcut by Thomas Bewick, the engraver, (1753-1828), which would have been widely available. Bewick's woodcuts were used in trade literature, featuring slaves to advertise *Best Virginia* tobacco. W H Pyne's *Costume of Great Britain* (London 1804) may well have provided inspiration for the different occupations, which appeared on the coverlet. A number of early children's primers and alphabets in the John Johnson Collection at the Bodleian Library illustrated similar characters from everyday life. Ann West would also have drawn upon her own life's experience of the people who lived and worked around her, the *Nurse and Child*, *Swineherd*, *Auctioneer*, *Milkmaid*, *Distressed Widow*, *Coachman*, and *Gardener*, to name only a few.

The expert adviser concluded that the Ann West coverlet was a unique English textile treasure and a superb example of English folk art at its very best. It provided new information on the history of English quilting and coverlets unavailable from any other source.

The applicant agreed that the coverlet met the second and third Waverley criteria.

We heard this case in November when the coverlet 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 £34,450 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 coverlet, 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 coverlet by the Victoria and Albert Museum. A decision on the export licence application was deferred for a further two months. We were subsequently informed that the coverlet had been purchased by the Victoria and Albert Museum with assistance from the Contributing and Life Members of the Friends of the V&A.

#### Case 17

### **DIARIES, CORRESPONDENCE AND MANUSCRIPT VOLUMES OF MARY HAMILTON**

This archive consists of about 1200 pages of diaries, some bound in sheepskin and some in wrappers, chiefly covering the period 1782-1785. The correspondence consists of upwards of 3000 pages of letters and notes sent to Mary Hamilton by relatives and friends. There are also six manuscript volumes containing copies of verses, letters, sermons and other items.

The applicant had applied to export the archive to the USA. The value shown on the export licence application was £123,500, which represented the hammer price at auction plus auctioneer's premium and dealer's commission.

The Head of Modern Historical Manuscripts at the British Library, acting as expert adviser, had objected to the archive's export under the third Waverley criterion, on the grounds that it was of outstanding significance for the study of the social and cultural history of the eighteenth and early nineteenth centuries.

The expert adviser informed us that Mary Hamilton (1756-1816) held a post in the household of the daughters of George III, was held in great affection by the royal children and her fellow courtiers and, for several months, had to negotiate the difficulty of the sixteen year old Prince of Wales' passionate infatuation with her. Her wide circle of friends included the bluestockings Elizabeth Carter, Elizabeth Montague, Hannah More and Fanny Burney, as well as Samuel Johnson, James Boswell and Horace Walpole.

The expert adviser considered that Mary Hamilton's archive contained a large amount of important and as yet unstudied material about her social, cultural and intellectual activity. Although excerpts from the diaries had been published by her great-granddaughters Elizabeth and Florence Anson, the expert adviser estimated that about two thirds of the diaries had never been published. The expert adviser considered the archive was likely to give Mary Hamilton a greater prominence than she had previously enjoyed once it was more studied.

The subject matter in the archive was very wide-ranging, including social events, from the court to the bluestocking gatherings, with conversation reported in some detail, politics, a great variety of reading, comment on prevailing philosophies, morality, social issues and fashion, the conduct of the court and royal family, visits to see inventions and curiosities (including a detailed account with a picture of Lunardi's balloon), visits to exhibitions and the studios of portrait painters, musical performances and the theatre. The archive gave a remarkably complete picture of the day-to-day lives and preoccupations of fashionable and cultivated eighteenth-century Londoners.

The adviser considered that there was much in the archive that would be of particular interest for researchers into reading and the reception of books. She also thought the passages on the diaries which dealt with relations with servants would be of interest to historians seeking evidence of the experience of women in service.

The expert adviser said that the extensive sequences of letters from Mary Hamilton's fellow courtiers Lady Charlotte Finch, Louisa Cheveley, Miss Planta, Charlotte Gunning, Miss Goldsworthy and others, had not been previously published, and considered that they gave a real sense of court life as it was lived at a royal household by those for whom it was a livelihood. The letters of a number of friends named frequently but only in passing in the diary were present in great numbers, and with a much longer time span, so that each completed the other's picture of a whole social and cultural network.

The adviser highlighted a number of excerpts to give a sense of the range of reference and frank and sometimes startling comment. These included Lady Harpur's vivid pen-sketch of Emma Hamilton. 'I expected much elegance of figure and manner. She has neither, is tall, and very large, has good eyes and teeth, & much cheerfulness and expression of countenance, of an open disposition, was not in the least embarrassed, yet behaved with propriety, too much dress, more a striking figure for the stage than the elegance of good taste, but very decent, her neck much covered & long sleeves, a kind of Turkish dress ... I believe she constitutes his [Sir William's] happiness'.

There was also an account by Court Dewes (one of Mary Hamilton's many suitors) of Fanny Burney at her court duties: 'Miss Burney so far from being oppressed as I thought she would be by her new offices seems the better for it, I never saw her in better looks or spirits ... she makes tea for and entertains the company with more ease and freedom than I expected from her', and Mary Hamilton's own view of Fanny Burney's latest novel, *Cecilia*, 'I think it will be a good lounging book for you'.

One of the many frank, gossiping letters of Francis, Lord Napier, gave an irreverent view of the arch-bluestocking Elizabeth Carter (of whom an awestruck Mary Hamilton wrote in her diary, 'she is I imagine the 'The lines [of verse]... say nothing more than what

was true of old Bet Carter. She was a fine old Slut, though bearing not the least resemblance to a Woman. She had more the appearance of a fat Priest of the Church of Rome than an English Gentlewoman.'

In conclusion the expert adviser argued that this extensive and closely interconnected archive was of outstanding importance for the cultural and social history of its period, and that a great variety of material of value for research remained in it that was as yet unused by historians.

The applicant stated that the archive, when intact, formed the basis of *Mary Hamilton ... at Court and at Home: from her Letters and Diaries*, published in 1926 by her great-granddaughters Elizabeth and Florence Anson. Unfortunately much important correspondence had since been sold. A series of 78 love letters from an infatuated sixteen-year-old Prince of Wales (with 60 draft replies), April to December 1779, was sold in 2005. Other items from the archive that had since been sold included seventy letters from Hannah More, nine letters from Fanny Burney (one note was still present), 50 letters from Mrs Delany (a few notes were still present), and letters from Mrs Garrick (nine letters were still present). Furthermore 107 letters of Elizabeth Carter were sold in 2005, three letters of Emma Lady Hamilton were sold in 1927 and 24 of Horace Walpole were also sold, leaving only one scrap behind. The applicant acknowledged that the archive still contained one folder of letters from Queen Charlotte and the princesses, and four from other governesses and friends at Court and stated that this was the most interesting part of the surviving correspondence.

The applicant stated that the 12 pamphlet diaries, which extended only from Mary Hamilton leaving Court in 1782 to her marriage in 1785 had been extensively quoted in the Ansons' biography. The rest of the surviving correspondence was dominated by letters from her husband John Dickenson and his family (two folders), the seventh Lord Napier (her guardian) and the eighth Lord (four folders),

and miscellaneous other relatives and friends (fourteen folders). The applicant considered this was interesting but not of great importance.

The applicant stated that were the archive complete, it would almost certainly qualify under the third Waverley criterion as of outstanding significance for the study of the social and intellectual life of the Court and upper-class late eighteenth-century London. What remained was interesting, but no longer of that stature.

We heard this case in November when the archive 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 two months to allow an offer to purchase to be made at the fair matching price of £123,500 (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 archive 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 archive by the John Rylands University Library, the University of Manchester. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the archive had been purchased by the John Rylands University Library with assistance from the MLA/V&A Purchase Grant Fund, the Pilgrim Trust, the Friends of the National Libraries, the Society of Dilettanti Charitable Trust, the National Heritage Memorial Fund and the Friends of the John Rylands.

#### Case 18

### **A PAINTING BY JOHN CONSTABLE, FLATFORD LOCK FROM THE MILL HOUSE**

The painting is oil on canvas and measures 61 x 50.8 cm. It records features of the local landscape and the workings of the lock at Flatford.

The applicant had applied to export the painting to Brazil. The value shown on the export licence application was £2,850,000, which represented the applicant's conversion of the price agreed with a private buyer in dollars (\$5,150,000). However, the Financial Times gave a commercial exchange rate from dollars to pounds on the date of the sale agreement which provided a sterling equivalent of £2,788,003. This price was agreed by the Committee and the owner's representative as a fair matching price.

The Curator of eighteenth and nineteenth-century art at Tate, acting as expert adviser, had objected to the painting's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the work of John Constable, in particular for documenting an important phase of plein-air painting in his early career, and for the study of canal history and archaeology.

The expert adviser said that together with J M W Turner, Suffolk-born artist John Constable was one of England's greatest landscape painters and a key figure in British and European Romantic art of the early nineteenth century. He was a slow developer, and the first half of his career – from which *Flatford Lock from the Mill House* dated – was punctuated by distinct phases of experimentation and artistic changes of course. It was only in recent years that the progression of his early career had become much better understood. This was chiefly because a number of key finished pictures dating from this period had only resurfaced recently, whether previously lost or else unrecognised as works by Constable's hand.

*Flatford Lock from the Mill House* first emerged on the London market in the late 1980s as an unattributed British picture. It was not assigned to Constable until 2004 since when the attribution has remained unchallenged. It was first published in the catalogue accompanying the 2006 exhibition *Constable: the Great Landscapes* where it was argued that it documented the highly important moment in 1814 when Constable first decided to embark on the practice of painting small to medium sized pictures in the open air.

It was in response to complaints from the critics that his exhibited pictures were too broadly rendered that, for three years between 1814 and 1817, Constable decided to paint modest sized and carefully executed pictures in the open air to improve his powers of finishing. A number of these works were exhibited at the Royal Academy and it seems likely that *Flatford Lock from the Mill House* was shown at the Academy in 1815, for two pictures Constable submitted that year under the general title of 'Landscape' were yet to be identified.

The expert adviser considered that whether or not it was exhibited in his own lifetime, *Flatford Lock from the Mill House* contributed another significant layer to an understanding of Constable's short-lived plein-air painting campaign of 1814-17 that had long been regarded as of major importance in the emerging story of naturalism in Western landscape painting. Although for many years painters had been producing small landscape sketches in oils in the open air, these were generally only intended to serve as studies for bigger pictures that would later be worked up in the studio. It was highly unusual for artists at this date to attempt to paint a finished picture out of doors that they might subsequently exhibit or sell. With the possible exception of the Danish artist C W Eckersberg, Constable appeared to be the only artist who adopted this practice with any regularity until it was taken up by the Impressionists some fifty years later.

The expert adviser explained that Constable's pictures produced in the period 1814-17 were almost entirely painted on the spot, they rarely depended on preliminary sketches and for this reason each one was a more or less unique image. *Flatford Lock from the Mill House* had no related studies and showed a particular corner of the landscape close to Flatford Mill and Lock that was undocumented in the rest of his work. Whilst it was true that, to some extent, *Flatford Lock from the Mill House* anticipated the viewpoint of the later, more famous river Stour 'six-footer', *The Lock* of 1824, a comparison between the two only revealed how much more in the way of natural and local detail Constable included in the earlier picture and to what extent the later six-footers were studio recreations.

The expert adviser said that Constable's faithful recording of a number of apparently modest details – such as wild flowers and trees and the ploughed furrows of the site of the vegetable garden that would have been tended by Constable's own parents – took on more poignancy when one bore in mind that he was recording the scenes of his childhood.

The expert adviser also considered that the pictures which Constable painted in and around his father's mill at Flatford were not just important for documenting the different phases of his art or the scenery of his boyhood that inspired the famous River Stour 'six-footers' of his mature career, but also told us a great deal about the workings of the River Stour itself. The section of the Stour from Sudbury to Manningtree was a busy highway for river traffic in the early nineteenth century before the construction of the railways. When Constable painted the comings and goings of the barges in and around the lock at Flatford, he was also recording the exact workings of the Stour, with its sluices, lock chambers and lock mechanisms. His early pictures were particularly valuable in this respect due to the close attention he paid in them to accuracy of detail.

In *Flatford Lock from the Mill House*, as well as carefully recording the details of the lock chamber, Constable showed a curious wooden structure resembling a well head, complete with a bell on a chain, which might have been a warning device, automatically operated to alert anyone downstream to expect a flood of water in the main river channel when the lock gates were opened. The expert adviser considered this would be of significant interest for specialists in waterways and canal history as well as researchers and enthusiasts of industrial archaeology. She also thought it of great interest in relation to the narrative content of other important pictures by Constable.

The expert adviser said that the condition of the painting was good, although there was evidence of some rubbing and repainting in the area of the sky.

The applicant did not consider that the painting met the Waverley criteria. He did not believe it met the first Waverley criterion on the grounds that it had had no fame in the United Kingdom. He did not consider it was of outstanding importance for study on the grounds that it was a picture of a site frequently visited by the artist and the majority of studies and paintings of Flatford were in public collections. The applicant stated that Constable's quintessentially English landscape was very accessible in the United Kingdom and little seen abroad.

We heard this case in November when the painting 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 two months to allow an offer to purchase to be made at the fair matching price of £2,788,003 (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.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by Ipswich Museums Service. A decision on the export licence application was deferred for a further four months. We were subsequently informed that Ipswich Museums Service had withdrawn their interest. An export licence was granted.

#### Case 19

### **A PAINTING BY POMPEO GIROLAMO BATONI, *PORTRAIT OF ROBERT UDNY***

The painting is oil on canvas and measures 99.7 x 74.9cm. It shows Robert Udney in half-length before a parapet, holding a hat and gloves in his right hand and a snuff box in his left. He is wearing a white frock coat and an orange waistcoat, both trimmed with gold costume and the background has a column on the left and on the right the Temple at Tivoli – one of the sites outside Rome which most serious visitors visited.

The applicant had applied to export the painting to Italy. The value shown on the export licence application was £260,420, which represented the hammer price at auction plus buyer's premium.

The Assistant Curator of Baroque Paintings at the National Gallery, acting as expert adviser, had objected to the painting's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the work of Pompeo Batoni. The expert adviser considered that the painting's excellent quality in execution and the sensitively captured likeness of the sitter made it one of Batoni's finest half-length portraits.

The expert adviser informed us that Robert Fullarton Udney (of Udney and Dudwick, Aberdeenshire), was a successful West Indian merchant who made his fortune by trading sugar from the West Indies. A man with scholarly interests, he was a fellow of the Society of Antiquaries and in 1785 was elected to the Royal Society. Udney collected principally Italian Old Master paintings and assembled a particularly distinguished

collection of drawings. The portrait was commissioned by Udney while visiting Rome in 1770, and remained with his family until it was sold in July 2006.

The expert adviser stated that unlike so many of Batoni's British sitters who visited Italy in early manhood, Udney was already 48 at the time he sat for the artist. Batoni would have been aware of the importance of satisfying his client, as Udney's Aberdeenshire links must have meant that he knew two key members of the foreign community in Rome, the Abbé Peter Grant, influential in Papal circles, and James Byres of Tonley, doyen among *ciceroni*.

The expert adviser considered that the portrait demonstrated that even at a time when Batoni was known to have been fully stretched by commissions from patrons as important as the Emperor Joseph II, he had the artistic energy to paint this fluent and sympathetic portrait of a discerning Scottish visitor to Rome. Udney owned the Leonardo cartoon *The Virgin and Child with Saint Anne and Saint John the Baptist*, now on display in The National Gallery, and was a discerning collector of great significance in the history of British collecting. This portrait by Batoni was an important record of him. The painting was in good condition in spite of a slightly flattening relining.

The applicant said that the departure of the painting from Britain would be almost entirely unmissed because it had remained in private collections of the sitter's family and had never been publicly seen. The sitter's contribution to British history was negligible, and the fact that the name Udney carried some resonance in art history was due not to the sitter, Robert, but to his younger brother John. Furthermore, Batoni was popular with British Grand Tourists and was very well represented in British collections. Although the painting was a very fine work in excellent condition, it did not stand within the first rank of Batoni's works, and could not be called outstanding in general artistic terms. As there were more than 50 works by Batoni in British public collections all aspects of his work and contribution

to art history were readily accessible and in the public domain.

We heard this case in November when the painting was shown to us. We found that the painting was interesting, but was not of such outstanding significance that it met the Waverley criteria. An export licence was therefore issued.

#### Case 20

### **A PAINTING BY JAN LIEVENS, SELF PORTRAIT**

The painting is oil on panel and measures 42 x 33cm. It is an early self-portrait by the Dutch artist Jan Lievens.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £1,850,000, which represented the price at which the painting had been sold.

The Curator of pictures pre 1800, the Wallace Collection, acting as expert adviser, had objected to the painting's export under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the work of Jan Lievens.

The expert adviser explained that Lievens's work had often been overshadowed by that of his contemporary, Rembrandt, with whom he was closely associated from 1625 to 1631, yet his early work was considered by many to be every bit as powerful as Rembrandt's. This picture dated from precisely that early period. Lievens and Rembrandt worked closely together in Leiden, possibly sharing a studio, and from 1628 repeatedly painted portraits of each other. Constantine Huygens the Elder, writing about the two artists, 1629-31, praised the two young painters highly and compared their talents favourably, praising Lievens in particular for invention, design daring subjects, his strength of mind, maturity and sense of judgement. During this period Lievens's colouring

became increasingly monochromatic while he experimented, alongside Rembrandt, with daring painterly effects and textures, such as the scratched-in golden curls in this portrait. The expert adviser considered that the fine state of preservation of the *Self-Portrait* made it an excellent example of this high point in Lievens's career.

What made the picture, an outstanding aesthetic object in itself, all the more exciting, was the possibility that the portrait may have been painted at around the time Lievens himself came to England, probably in 1632, aged 25. The Lievens scholar, Sumowski, pointed out that the fluid brushwork of the face, somewhat in contrast to the meticulous texturing of the hair, actually owed much to the example of Flemish painting of the period, in particular to the work of Van Dyck, who was himself in England at the time of Lievens's visit. We also know that the two artists knew each other, as Van Dyck painted Lievens's portrait (untraced), which, engraved by Vosterman, was included in *The Iconography* (c.1632-44). There were scarcely any known dated works from this period in Lievens's career and it was possible that the picture was painted in England and had stayed in this country ever since. The *Self-Portrait* was thus, not only a moving depiction of the young Lievens painted in his most engaging manner, but also a wonderful testimony to the international artistic links between England and the Netherlands in the seventeenth century. The painting was described as in excellent condition and signed in monogram.

The applicant did not agree that the painting met the Waverley criteria. He did not consider that it met the first Waverley criterion as it was totally unknown until at least 1953 and probably 1957. While well painted he did not consider that the painting could be described as of 'outstanding' aesthetic significance. The face was certainly well painted, but did not sit very well in the composition and gave the impression of being squashed in to the neck and shoulders of the body, or at least of the shoulders being hunched. The condition of the picture was generally good but there

were a number of losses and re-paints that would probably become more apparent if the picture was cleaned. The applicant stated that whilst it would be 'nice' to add this picture to the corpus of Lievens' work already in this country, it was not of outstanding significance. There were already portraits by the artist in national collections such as the 'Young Man' in the National Gallery of Scotland, the *Portrait of Maarten Tromp* at Greenwich and the similar early *Self Portrait* at Dulwich. The National Gallery in London was also well served with paintings by Lievens, such as the *Landscape with Tobias and the Angel*, the *Portrait of Anna Maria Schurman* and most significantly by the magnificent *Self Portrait* (96 x 77cm) which also included a splendid landscape in the background. There were also numerous pictures by Lievens in private collections, possibly because he worked in London (1632-1635), such as the *Portrait of Rembrandt's Mother* at Burghley House and the Scottish National Portrait Gallery has his *Portrait of Sir Robert Kerr*. The applicant considered that the retention in this country of the *Self Portrait* under discussion would add nothing to our knowledge of Lievens himself, his working techniques or his oeuvre. Much had already been written about the artist, particularly his 'wet-in-wet' technique by applying the hard end of the brush in to the paint (hardly apparent here) and his method of painting the hair which was ably demonstrated both here and in the other paintings.

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

#### Case 21

### **A PAINTING BY KAREL VAN MANDER THE ELDER, *THE CRUCIFIXION***

The painting is oil on oak panel and measures 67 x 117.5cm. It is signed and dated Kvmander/1599. The applicant had applied to export the painting to Belgium. The value shown on the export licence

application was £465,800, which represented a private treaty sale purchase price of £400,000 plus a buyer's premium of £56,000 and VAT on the buyer's premium of £9,800. Restoration costs of £5,085 had been incurred since the time of the purchase and the current value of the painting was therefore £471,775.

The Curator of Pictures pre 1800 at the Wallace Collection, acting as expert adviser, had objected to the painting's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of Dutch art in the Golden Age.

The expert adviser stated that van Mander was known primarily as the author of the *Schilderboeck* (published 1604) which consisted of a vivid series of biographies of Italian and Northern European artists, plus advice on the practice of painting. It provided an invaluable resource for the understanding of artistic theory and practice in the sixteenth and seventeenth centuries. Although he was prolific as a draughtsman and his designs were frequently engraved, van Mander's paintings were extremely rare – there were approximately only 30 surviving works. *The Crucifixion* was of particular interest because of its scope, ambition and academic approach and would provide an extremely useful example within the context of a larger collection of Northern landscape painting to help explain some of the major artistic preoccupations of the time. It could be seen as a pictorial manifestation of van Mander's theories that combined references to many of the major traditions and influences in Flemish landscape painting at the end of the sixteenth century. It recalled works by Breughel, Lucas van Leyden and Jacques de Gheyn and also raised questions about the artist's personal faith and the depiction of religious imagery during a very troubled period of political and religious turmoil in the Netherlands at the end of the sixteenth century. Indeed, the troubles forced Van Mander, who was born in Meulebeke near Courtrai, to lead a peripatetic life in Flanders, eventually fleeing the Southern

Netherlands for religious reasons and ending his life in poverty in Haarlem. The expert adviser said that van Mander stated in the *Schilderboeck* that art should not blindly follow nature, but should be morally instructive, so it was fascinating to be able to see these theories conveyed in practice in his *Crucifixion*.

The applicant stated that the painting was not closely connected with our history and national life as Karel van Mander did not have any connection with the United Kingdom in his lifetime and drew heavily on his Flemish origins for his influences. Although the painting was a fine example of Karel van Mander's oeuvre he was not generally considered an artist of outstanding aesthetic importance. He was much more prolific as a draughtsman and his designs were far better known from engravings made from his drawings than from his paintings. *The Crucifixion* was unlikely to qualify as a painting of outstanding significance for study when compared to the other highly important early Netherlandish paintings in national collections.

We heard this case in December when the painting 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 two months to allow an offer to purchase to be made at the fair matching price of £461,085 excluding VAT (£471,775 including 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 deferral period should be extended by a further three 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 22****A BRONZE STATUETTE AFTER PIERRE LEGROS THE YOUNGER, *MARSYAS***

The statuette, which is bronze and measures 62.2cm in height, shows the satyr Marsyas with his bent right arm upraised behind him, and his right leg bent at the knee, bound to a tree trunk at the wrists and waist, his pan-pipes resting beside his left hoof. A lion-skin cloak is draped around the tree.

The applicant had applied to export the statuette to Liechtenstein. The value shown on the export licence application was £850,000, which represented the agreed sale price.

The Director of Collections at the Victoria and Albert Museum, acting as expert adviser, had objected to the statuette's export under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of baroque bronzes and the work of Pierre Legros the Younger.

The expert adviser informed us that the bronze was based on a model by Pierre Legros the Younger (1666-1719), who was born and trained in Paris but worked almost exclusively in Rome. He was the leading representative of a generation of baroque sculptors in Italy in the late seventeenth and early eighteenth centuries, and was arguably the most important sculptor working there since Bernini. Legros trained under his father, Pierre Legros the Elder (1629-1714), a royal sculptor who had executed much of the garden statuary at Versailles. Legros the Younger went as a student to the French Academy in Rome in 1690, from 1695 working as an independent sculptor, and achieving renown virtually immediately. Apart from a possible brief visit to Paris from 1715 to 1717, he was based in the Eternal City for the whole of his career. There he executed a number of monumental marble and bronze works for churches and basilicas, including the dramatic marble group *Religion overcoming Heresy*, made for the chapel of St Ignatius at the Gesù in Rome dating from 1695-99. Other comparable

mythological or allegorical pieces by him recorded in the eighteenth century have subsequently disappeared, but the *Marsyas*, known in marble and bronze versions, was evidently a much sought-after item by collectors. Legros had an extremely high reputation in early eighteenth-century Britain, and his late baroque style helped frame the taste of both aristocratic collectors and artists.

The expert adviser stated that the statuette was one of thirteen bronzes bought by Thomas Parker, 1st Earl of Macclesfield (1666-1732) from John Smibert (1688-1751) on 15 July 1723, for a total of £300. They were owned by descent through the family until sold in 2005. Lord Macclesfield was an eminent lawyer and Whig politician, who was Lord Chief Justice from 1710 to 1718, and Lord Chancellor from 1716 to 1724. In 1725, however, he was impeached on corruption charges, fined £30,000, and imprisoned for six months in the Tower of London until payment was received. He spent the remainder of his life at his country seat, Shirburn Castle, Oxfordshire, where he is buried.

The *Marsyas* was the first known work by Pierre Legros to be recorded in Britain: it was noted as by 'Mons. De Gros' on the invoice of 1723. The vendor, John Smibert, was a Scottish painter and dealer, who had been in Italy from 1719 to 1722; he had there met Lord Macclesfield's son, the Hon. George Parker (c.1697-1764), who was on the Grand Tour from 1719 to 1722.

The story behind the statue was derived from Ovid's *Metamorphoses*; Marsyas unwisely competed with Apollo in a musical contest, the victor being able to inflict whatever penalty he chose on the loser. Apollo won, and decreed that Marsyas should be tied to a pine tree and flayed. Here the satyr was seen shortly before the flaying commenced, his face contorted in agony in anticipation of the punishment. The size of the piece was appropriate for an interior setting, but was nevertheless substantial. It was the expert adviser's opinion that the quality of its casting, seen both in the subtle variations of surface, and in the hollow interior and the even thickness of the walls,

strongly suggested this bronze was cast in Rome.

The expert adviser considered the statuette to be an outstanding example of an Italo-French bronze, both in terms of its superbly constructed spiral composition, recalling the earlier work of Giambologna, and the vigour and passion with which the mythological story was conveyed through a single figure. Depending from Legros's original design and model, it must have been cast in one of the many thriving Rome foundries of the early eighteenth century. The technical features were of the highest quality: the casting and chasing, seen for example on the tree trunk and the texture of the rope tying the satyr, as well as the sensitively observed facial expression, along with the rich golden patina, testified to the exceptional importance of this piece.

The expert adviser also stated that it was one of the first baroque bronzes to arrive in Britain, and the earliest known work by Legros the Younger to enter a collection here. Lord Macclesfield amassed a highly important collection of works of art, particularly bronzes, as well as a great library at Shirburn Castle. This was one of the finest pieces in his collection, by a renowned modern artist, one of the great successors to the tradition of Bernini and Algardi in Rome. It was highly prized from the time of its acquisition, being displayed with Lord Macclesfield's other sculptures in a specially constructed gallery at his country seat, an early example of a sculpture gallery in this country. Legros's French origins and training were also of paramount importance: the *Marsyas* in many ways signified the birth of the British taste for eighteenth-century French bronzes.

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

We heard this case in January 2007 when the statuette 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 two months to allow

an offer to purchase to be made at the fair matching price of £850,000 (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 statuette, the deferral period should be extended by a further three months.

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

### Case 23

## **AN EIGHTEENTH-CENTURY EMBROIDERED MAN'S BANYAN AND WAISTCOAT**

The matching man's gown and waistcoat have been constructed from an earlier late seventeenth century Indian hanging or bed cover, which had been exotically embroidered in a bold 'tree of life' type design.

The applicant had applied to export the waistcoat and banyan to the USA. The value shown on the original export licence application was £18,525 but a subsequent application was submitted with the value of £21,427.09. At the meeting the applicant explained that the correct value was £21,525, which represented the hammer price at auction, buyer's premium, VAT on the buyer's premium and dealer's commission on a sale to a third party.

The Principal Curator of Textiles, Gallery of Costume, Manchester City Galleries, acting as expert adviser, had objected to the waistcoat and banyan's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of dress history.

The expert adviser explained that banyans or gowns were fashionable for men for a very long period stretching for 150 years from the late seventeenth to the early nineteenth centuries. They became an

integral part of the male wardrobe. Their popularity stemmed from their looseness and informality, which enabled men to appear in public with far less restrictions, and to leave off their heavy wigs and coats. Instead it became socially acceptable to receive guests or conduct business domestically, whilst wearing a nightcap to cover the head and a gown over the shirt or waistcoat to replace the coat. A relatively untailed garment was thus adopted throughout British society as a way to relax and to avoid some of the rigidity of men's daywear. It also reduced the amount of wear and tear on the extremely expensive suits and heavy wigs, which were difficult to clean and easy to crease or damage. The style became immensely popular in England after the Restoration, and by the early 1680s, Charles II and his Queen both had specific '*Indian Gowne makers*'. During the first half of the eighteenth century, stylish men often sat for portraits dressed in banyans in order to present a rather less formal, and more relaxed 'artistic' appearance.

Some of these banyans or 'Indian gowns' were made up in Britain in a fitted style out of imported Indian fabrics, as this one may have been. Others were imported ready-made from India. Some gowns had matching waistcoats or attached waistcoat fronts. Reflecting the popularity of the style, there are consequently at least 22 banyans in British collections. However, although a number of British collections include men's banyans, they are all either woven silk or printed/painted cotton or linen. There was a record only of a single embroidered Indian example, in the Leicestershire County collection, but this other example dated later, from around 1800, and has meandering Rococo style embroidery, not the bold floral dramatic Baroque design on the banyan in question. The Leicester banyan was embroidered specifically for the Western market whereas this waistcoat and banyan were made from a textile embroidered for the Indian market, and then re-used. This banyan was a unique use of Indian embroidery in a later man's garment, and there appeared be nothing remotely akin to it in any British museum

collection. The Victoria and Albert Museum has similar Indian embroidered textiles with lavish scrolling tamboured flowers and fruit, but nothing made up into a Western garment.

The expert adviser considered that the gown with its accompanying waistcoat formed a very dramatic and intriguing ensemble. The cream cotton grounds were very richly embroidered in chain stitch with scarlet, blue and purple exotic fruits and flowers, which were attached to rather spiky greeny-blue leaves, all edged and joined with scrolling stems in lustrous tamboured metal thread. He stated that the Indian hanging or bedcover was made sometime between the very late seventeenth and the early eighteenth centuries, so that by the mid to late eighteenth century it would not have been seen as too new to be cut up and re-made into a garment. Had it been a recent costly import from the East, it was harder to imagine it being so re-used. Making-up this banyan from an embroidered hanging encrusted with metal thread embroidery seemed to conflict with the required loose and informal nature of the garment, but many of the later eighteenth century gowns were more fitted and structured than the earlier examples, and thus not as light-weight. Indeed, this gown had almost certainly been constructed in Europe, probably England, and used a range of materials for interlining, again forming a thicker, somewhat padded garment.

The banyan and waistcoat exemplified both the extravagance of eighteenth-century menswear, and also the fertile cross-fertilization between Eastern and Western textiles and embroidery. The final garments exhibited the fashionable flamboyance beloved of the English gentleman or intellectual in the mid-eighteenth century, and in this case they flaunted a strikingly Eastern or 'Oriental' taste. The items were in good condition, although there may have been some re-grounding in the eighteenth century, prior or during the making up of the gown and its waistcoat. The cream silk lining was distressed at the collar and shoulders, and there was some staining of the ground.

The applicant did not agree that the waistcoat and banyan met the Waverley criteria. The applicant was of the opinion that the items had no historical or geographical association with the United Kingdom and they were of continental cut and manufacture and were composed of fabric from an Indian floor spread, probably originally made for the Dutch market.

The applicant considered that the banyan and waistcoat were of interest to dress and textile historians, but that the present condition of the pieces meant that their aesthetic importance was limited. The applicant reported that there were areas of extensive water staining, perspiration marks, darning and the garments were extremely fragile with the entire silk taffeta lining being brittle and shattered.

The applicant reported that there were both ladies' and gentlemen's un-dress garments made from Indian printed cotton in several United Kingdom collections of superior quality and condition to these examples. In the applicant's opinion the principal interest in this banyan was the fact that it was an example of re-cycling. However, this suggested that there had been significant damage to the original textile – the mended Indian floor-spread was then cut up and re-used to make the banyan and waistcoat – and although these changes were of interest to textile historians, they were not of outstanding significance to dress scholarship. Mending and re-working old but originally expensive textiles was common throughout the eighteenth and indeed nineteenth-centuries.

We heard this case in January when the waistcoat and banyan were shown to us. We agreed that the fabric of which the garments were made was of outstanding quality. Even if it had remained in its original state – as a late seventeenth-century Indian bed hanging or bed cover – it would have been important and valuable. The fact that it had been made into a waistcoat and banyan increased its interest for study still further. We therefore found that the waistcoat and banyan met not just the third Waverley criterion, as recommended by the expert adviser, but also the

second Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of one month to allow an offer to purchase to be made at the fair matching price of £21,000 excluding VAT (£21,525 including 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 waistcoat and banyan, 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 items by the Victoria and Albert Museum and the Burrell Collection. A decision on the export licence application was deferred for a further three months. We were subsequently provided with satisfactory proof that the banyan and waistcoat had been imported to the UK within the past fifty years. An export licence was therefore issued.

#### Case 24

### **A 'JADEITE' NEOLITHIC AXE-HEAD FROM STURMINSTER MARSHALL, DORSET**

The mottled green 'jadeite' axe-head, which measures 19.2cm, is of flat triangular form. It is highly polished to a mirror-like sheen and had a curved cutting edge. One face of the axe has been inscribed in white paint with: 'Newton Peverill' and running beneath it 'Sturminster Marshall Presented by Mrs Cartwright'.

The applicant had applied to export the axe-head to the USA. The value shown on the export licence application was £24,000, which represented an agreed sale price.

The Keeper, Department of Prehistory and Europe at the British Museum, acting as expert adviser, had objected to the axe-head'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 Neolithic axe-heads, their social context and the part they played in long-distance relations 6,000 years ago.

The expert adviser considered the 'jadeite' axe to be a beautifully shaped and polished specimen, which showed off with considerable sophistication the tonalities and gradations of the fine hard stone from which it was manufactured. It had once formed part of the historic collection of Lt-General Augustus Pitt Rivers, housed in the museum which he established around 1885 at Farnham on Cranborne Chase to display his own excavated finds as well as some of his diverse collections. Pitt Rivers was one of the foremost archaeologists and anthropologists of his age, and the museum was a remarkable reflection of a pioneering archaeologist's work and interests. It had remained open until after the death of his grandson in 1966 – most of the British collection went to the Salisbury and South Wiltshire Museum and the rest was dispersed.

The expert adviser informed the Committee that axes of this type were relatively rare in Britain, but they were of great significance. Brought into Britain from the earliest Neolithic (c.4000 BC) they were already 'heirlooms' having been made some centuries before, from rock quarried from sources in the Italian alps. The term '*jadeite*' (with its inverted commas) was that generally agreed to describe pyroxene jade while the non-scientific term jade could be used for any of the greenish axes regardless of exact composition. It was clear that these attractive rocks were highly regarded in prehistory.

The Newton Peverill, Sturminster Marshall axe was examined by W Campbell Smith and published in his first list of British jade axes in 1963. Non-destructive optical inspection suggested that it was 'almost certainly pyroxene near jadeite'. It was also mentioned by Piggott and Powell ((1948-9) in connection with the discovery of a fragment of an example at the Neolithic tomb of Cairnholy I.

The expert adviser stated that the axe-head was of a type that was rare in Britain and particularly in Dorset. The status held by exotic axes in the Neolithic period gave it a powerful resonance in its local context, the more so as it seemed that such axes were already ancient heirlooms, having travelled from their distant source in the Italian Alps. In addition, its association with the famous museum founded by Lt-General Pitt Rivers at Farnham greatly added to its intrinsic importance. The dispersal of that remarkable collection was a huge loss both to the local history of the region, and to the study of the pioneering days of English archaeology.

This type of axe had for long been the subject of archaeological and petrological research; when the third supplement to the catalogue of jade axes from the British Isles was published by Jones et al. in 1977, 104 were known. Ongoing research was adding valuable new information about the various histories of these axes, their origin in identifiable quarry sites and their subsequent movement. It appeared that the farther they travelled from source, the more symbolic significance they accrued. Small, workaday axes made from green stone were extremely common on the continent of Europe. It was the larger, thinner, beautifully worked and highly polished examples which had added value. Those reaching these shores were likely to have been regarded as rare, precious and charged with meaning. The reappearance of this splendid example would enable it to be available for ongoing study and investigation, and thus to contribute to the scholarly and public understanding of these rare and beautiful objects, their social context, and the part they played in long-distance relations some 6,000 years ago.

The applicant did not disagree that the axe-head met the Waverley criteria.

We heard this case in February when the axe-head was shown to us. We found that it met all three 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 £24,000 (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 axe-head, 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 axe-head by Dorset County Museum. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the axe-head had been purchased by the Dorset Natural History and Archaeological Society for the Dorset County Museum with assistance from the National Heritage Memorial Fund and the MLA/V&A Purchase Grant Fund.

#### Case 25

### **THE GUILD ROLL OF THE GUILD OF ST MARY, NOTTINGHAM, 1371**

The guild roll naming the members of the 'Gyld' of St Mary, Nottingham, on the feast of St. Michael, 1371, measures 13.8 x 12.5cm and consists of three membranes sewn together.

The applicant had applied to export the guild roll to the USA. The value shown on the export licence application was £7200, which represented the price at auction for a group of three documents (made up of £6000 hammer price and buyer's premium of £1200). The guild roll was one among these which were to be exported as a group.

The Head of Modern Historical Manuscripts at the British Library, acting as expert adviser, had objected to the guild roll's export under the first and third of the Waverley criteria on the grounds that it was so closely connected with the history and life of Nottingham that its departure would be a misfortune

and that it was of outstanding significance for the study of the borough in the Medieval period.

The expert adviser said the guild roll was the earliest example of an important category of medieval record known to survive for Nottingham. From the fourteenth century until the Reformation, guilds were central to the life of medieval towns and smaller population centres. They might combine mercantile, artisan, spiritual and social functions. The decline in population after the Black Death and the weakening of other institutions might have helped to influence people towards this form of communal support, and membership was very widespread, including both men and women.

The expert adviser said scholars were very interested in the community aspects of early borough and parish life, but there had always been a scarcity of source materials and particularly of early source materials on this subject. This meant the very early and hitherto unknown guild roll of the guild of St Mary was of particular value. The medieval town of Nottingham was not large, with a taxable population in the fourteenth century of less than 1500 people, but its Norman royal castle, dating from 1068, indicated that it was regarded as strategically important. For a town like this, the growth of its urban life was of particular interest. Guild records provided one route into this area of study, being quite distinct from the usual surveys of urban growth that could be developed through studies of property ownership and records of title deeds. Nottingham's court rolls for the fourteenth century, which were amongst the earliest surviving anywhere, were already a great strength of its early historical records and would enable researchers to extract greater benefit from the evidence of the guild roll.

The guild roll of St Mary named 167 members, a significant number as a proportion of the population, including both men and women, many with ranks, occupations and places of abode given. It was not only the earliest surviving document deriving from a

Nottingham religious guild, but predated the earliest reference to a religious guild in the borough records. Its survival was also exceptional in a wider sense, since very little such material existed anywhere for the fourteenth century in England.

The expert adviser concluded that the roll therefore represented an outstanding addition to an important category of local record with an established context for study.

The applicant did not disagree that the guild roll met the Waverley criteria.

We heard this case in March when the guild roll 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 £6,600 (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 deferral period should be extended by a further two months.

We were subsequently informed that the guild roll had been purchased by Nottinghamshire Archives with assistance from the MLA/V&A Purchase Grant Fund and the Friends of the National Libraries.

#### Case 26

### **AN ANGLO-SAXON SILVER-GILT ZOOMORPHIC MOUNT**

This intricate silver-gilt mount takes the form of a fantastic composite creature. It was probably the chape-terminal from a scabbard fitting for an Anglo-Saxon weapon known as the *seax*. The piece, which is 3.6cm in length, is made of predominantly silver/copper alloy, typical of some late 8th century metalwork. It was said to have been found near the Ridgeway, in the Newbury area of Berkshire.

The applicant had applied to export the mount to the USA. The value shown on the export licence application was £4800.

The Keeper of the Department of Prehistory and Europe in the British Museum, acting as expert adviser, had objected to the mount's export under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and of that as a rare survival it was of outstanding significance for the study of 8th century Insular secular decorated silver work. Although functionally incomplete, the expert adviser argued that it retained an iconographic integrity. Its brilliantly intricate workmanship and its playful and complex decoration related it to some of the finest late 8th/early 9th century Insular prestige metalwork in gilded silver. Animals whose tongues extend to become or interact with another creature were prominent in this luxury metalwork, as was dense surface treatment. Only a small number of prestige weapon fittings with elaborate zoomorphic decoration are known from this period and none matches this piece in sheer complexity of detail on such a miniaturised scale.

The applicant did not consider that the mount met the Waverley criteria. The applicant claimed that the mount was incomplete and that there were already two, more complete, parallels for the mount in UK national museums. The first consisting of two silver-gilt scabbard-chapes from the St Ninians Isle hoard, Shetland, now held in the National Museums of Scotland, Edinburgh, as well as an Anglo-Saxon silver-gilt runic mount terminating in an animal's head, found in the River Thames, now in the British Museum.

We heard this case on 21 March 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 £4800 (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 deferral period should be extended by a further two months.

The applicant informed the Committee that the owner was not prepared to accept a matching offer at the recommended price. The Committee therefore recommended that the licence application be refused without a deferral period. This is in line with normal practice in such circumstances as set out in the Guidance for Exporters of Works of Art and Other Cultural Objects.

#### Case 27

### **A FIFTEENTH-CENTURY ILLUMINATED MANUSCRIPT OF THE HOURS OF THE PASSION**

This manuscript which contains forty leaves plus five original flyleaves, measures 23.8 x 16.8cm. It contains eight large miniatures from the Bedford Workshop, the foremost producer of illuminated manuscripts in Paris for much of the first half of the 15th century. The subject of the miniatures are: *The Betrayal of Christ*, *Christ before Pilate*, *The Scourging of Christ*, *The Way to the Cross*, *The Nailing to the Cross*, *The Crucifixion*, *The Descent from the Cross* and *the Entombment*. The text of the manuscript contains the Hours of the Passion, in full, in Latin, with a few rubrics in French, and prayers for use by a man.

The applicant had applied to export the manuscript to Germany. The value shown on the export licence application was £635,200, which represented the auction price plus buyer's premium.

The Curator of Medieval Manuscripts at the Bodleian Library, acting as expert adviser, had objected to the manuscript's export under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of manuscript illumination of the early 15th century in Paris.

The expert adviser stated that this important manuscript, from the collection of the late Lord Wardington, had not previously been available to scholars and had hardly featured in the literature on manuscript illumination of the period. The anonymous artist, known as the Bedford Master, was named after John of Lancaster, Duke of Bedford, brother of King Henry V and regent of France, for whom the artist produced the Bedford Hours now in the British Library. The Bedford Workshop was the foremost producer of illuminated manuscripts in Paris for much of the first half of the 15th century. The identification of the Master's hand, and the attribution of manuscripts to his collaborators, followers, imitators and successors had proved more than usually problematic and was the subject of lively and ongoing research. Some of the illuminations in the Wardington Hours are in the style of the Dunois Master, who seems to have succeeded the Bedford Master as the leader of the Bedford Workshop.

The Wardington Hours contained the relatively rare Hours of the Passion; it was not a complete Book of Hours in itself. It probably once formed part of a Book of Hours which is today in the Huntington Library in San Marino, California. Production of the manuscript may have begun in the 1410s but not been completed until the 1440s; its original patronage is unknown. The Huntington and Wardington parts had certainly been detached by the 18th century at the latest (the date of the present binding of the Wardington Hours as an independent volume). The Wardington part belonged to the Parisian family of de Courgy in the 18th century; its earliest English owner was Henry Pomeroy, second Viscount Harberton (1749-1829).

The Wardington Hours, with its eight large miniatures illustrating the story of the Passion, from the Betrayal of Christ to His Entombment, was a beautiful manuscript in its own right. The relative seclusion in which the manuscript had dwelt may have contributed to the freshness of its condition and the brilliance of its colours. The Bedford style was one of delicacy and refinement and the figures were

expressive and full of vitality. The settings were equally distinctive, with their gently curving hills, dramatic mountain crags and complex architecture. The miniatures were full of action, but they did not thereby lose focus: the central drama and the attention to detail were held in a balance whose perfection entitled them to be viewed as outstanding, even for a period often viewed as the high point of the illuminator's art.

The applicant did not agree that the manuscript met the Waverley criteria. Apart from the fact that it was owned by three relatively minor English collectors, it had no association with English national life and had not been in England before the nineteenth century. It was a 40 leaf fragment of a manuscript (the residue of the book had recently been recognised in the Huntington Library, California); and although it had miniatures of very fine quality they were from an extremely prolific Parisian workshop and in world terms they were not 'outstanding'. It had only eight miniatures, compared with over a thousand in the Bedford Hours itself and many dozens in most manuscripts from the workshop. The subjects were religious and routine. It was not dated or signed and had no known medieval owner. The Bedford Master and his style were already extremely comprehensively represented in British national collections.

We heard this case in March when the manuscript was shown to us. We found that it met the second Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £635,200 (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 deferral period should be extended by a further four months.

We were subsequently informed that the manuscript had been purchased by the British Library with

assistance from the Art Fund, the Friends of the British Library, the Friends of the National Libraries and the Late Bernard Breslauer.

### Case 28

## AN EIGHTEENTH-CENTURY UNION FLAG

This eighteenth-century Union flag measures 5.56 x 3.96m and is made of loosely woven hand sewn wool bunting with a linen hoist. It is accompanied by an eighteenth century canvas kit bag stencilled 'Lieut Burgh, Royal Navy'.

The applicant had applied to export the flag to the USA. The value shown on the export licence application was £49,400, which represented the hammer price at auction plus buyer's premium, plus VAT on the buyer's premium.

The Museum and Heritage Director of the Historic Dockyard Chatham, acting as expert adviser, had objected to the flag'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 flags.

The expert adviser said the flag was a very large pre 1801 pattern Union flag (ie prior to the addition of the saltire of St Patrick). It was complete and was in good condition for its age and construction. The accompanying kit bag added to its significance and proof of provenance.

The flag was flown as the 'Command Flag' of Admiral of the Fleet, Richard, Earl Howe, from the main mast of his flag ship, the *Queen Charlotte*, during the Battle of the Glorious First of June 1794. The flag was passed down through the family of William Burgh, in the canvas kit bag that bore his name. Burgh was a midshipman on board the *Queen Charlotte* during the battle and was promoted to Lieutenant shortly afterwards.

The expert adviser stated that the flag was significant as an example of a Union flag flown at sea of the period 1606-1800. The design of the Union flag was adopted in 1606 as a symbol of the Union of England and Scotland following James I's accession to the English throne. It placed the cross of St George over that of Saint Andrew. The form in which the majority of King's ships came to fly the Union was a 'Jack' – a small flag generally of square proportion, on a flagstaff rigged on the bowsprit at the front of the ship. A larger version however was flown as a Command Flag from the mast head of a fleet flagship denoting the presence of a senior Admiral. This flag was the only known example of a Union command flag to survive from this period. The expert adviser also stressed the flag's importance as a command flag for the Admiral of the Fleet commanding a fleet at sea with direct associations to a highly important naval officer, a major British naval victory and a highly significant ship of its time.

The flag's close relationship to Admiral of the Fleet, Richard, Earl Howe (Black Dick Howe) 1725-1799, added greatly to its significance. He was a legend in the Royal Navy. It was said that he 'never smiled unless a battle was at hand'. Howe entered the Navy in 1739 and was promoted to Captain in 1746. He saw distinguished service during the Seven Years War (1756-63) and again during the American War of Independence where he served as Commander in Chief in North America between 1776-8. Promoted to full Admiral in 1782 he returned to active service as Commander in Chief in the Channel. Following a spell as First Lord of the Admiralty he again took command of the Channel Fleet in 1790 and in 1794, at the age of 69, took his fleet into the first major naval battle of the French Revolutionary Wars.

The Battle of the Glorious First of June 1794 was the first fleet action of the French Revolutionary Wars. Howe commanding the Channel fleet (25 ships of the line) brought the French fleet of Villaret-Joyeuse (26 ships) to a running battle over three days from the 28th May to the 1st June. The battle took place over

400 miles west of Ushant so far away from land that it became celebrated by its date – rather than location. Howe's fleet broke the French line of battle in three places sinking one ship, the *Venguer du Peuple*, capturing six others and damaging many more. It was portrayed and celebrated as a major naval victory – confirming the might of British sea power at the start of the naval campaign that was to lead to Trafalgar.

Named after the Queen, the *Queen Charlotte* was one of the Navy's newest First rates at the time of the battle, having been launched at Chatham Dockyard on the 15th April 1790. She saw action again in 1795, off the Ile de Groix, and her crew was at the heart of the Spithead Mutiny of 1797. On the 17th March 1800 she caught fire and blew up off Leghorn with the loss of 690 men – one of the Royal Navy's greatest disasters of the Age of Sail.

The applicant did agree that the flag was so closely connected with our history and national life that its departure would be a misfortune. She did not consider that it was of outstanding aesthetic importance because of its condition and construction. The applicant also did not think that the flag in itself was of outstanding significance for study.

We heard this case on 18 April after viewing the flag at Christie's. We found that it met the first and third Waverley criteria and recommended that it should be starred, meaning that every possible effort should be made to raise funds to retain it in the United Kingdom. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £48,000 excluding VAT (£49,400 including 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 flag, 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 flag by the National Maritime Museum. We were subsequently informed that the flag had been purchased by the National Maritime Museum during the first deferral period with its own acquisitions fund.





department for  
**culture, media  
and sport**

# EXPORT of OBJECTS of CULTURAL INTEREST 2006-07

## 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 nineteenth and beginning of the twentieth centuries. Private collections in the United Kingdom had become the prey of American and German collectors and it was apparent that many were being depleted and important works of art sold abroad at prices in excess of anything that UK public collections or private buyers could afford. It was against this background the National Art Collections Fund was established in 1903, to help UK national and provincial public collections to acquire objects that they could not afford by themselves.

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

It was in 1950 that the then Labour Chancellor of the Exchequer, Sir Stafford Cripps, established a committee under the Chairmanship of the First Viscount Waverley 'to consider and advise on the policy to be adopted by His Majesty's Government in controlling the export of works of art, books, manuscripts, armour and antiques and to recommend what arrangements should be made for the practical operation of policy'. The Committee reported in 1952 to 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 Annex B for revised terms of reference.)

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

### The Waverley criteria

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

- **Waverley one.** Is it so closely connected with our history and national life that its departure would be a misfortune?
- **Waverley two.** Is it of outstanding aesthetic importance?
- **Waverley three.** Is it of outstanding significance for the study of some particular branch of art, learning or history?

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

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

A 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 Titian's *The Death of Actaeon* (1971), Raphael's *Madonna of the Pinks* (2004) and, from the British school, Reynolds' *The Archers* (2005). Not only paintings but sculpture, 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 Sèvres dinner service presented to the Duke of Wellington (1979); furniture – a lady's secretaire by Thomas Chippendale (1998);

silver – a Charles II two-handled silver porringer and cover, c.1660, attributed to the workshop of Christian van Vianen (1999); textiles – a felt appliqué and patch-worked album coverlet made by Ann West in 1820 (2006) and manuscripts, for example the Foundation Charter of Westminster Abbey (1980) and the *Macclesfield Psalter* (2005). This short list shows quite clearly the immense cultural and historic value of what has been achieved.

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

# Appendix B

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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:

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

## Appendix C

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### Membership of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest during 2006-07

#### LORD INGLEWOOD (CHAIRMAN)

Lord Inglewood, previously Richard Vane, has been called to the Bar and is also a Chartered Surveyor. Between 1989-1994 and 1999-2004 he was Conservative Spokesman on Legal Affairs in the European Parliament. He has chaired the Development Control Committee of the Lake District Planning Board and is Chairman of Cumbrian Newspaper Group, and of Carr's Milling Industries plc. He was Parliamentary Under Secretary of State in the Department of National Heritage between 1995-97. 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 on 30 November 2007**

#### AMANDA ARROWSMITH

A qualified and registered archivist, Ms Arrowsmith worked in archives for Northumberland, Berkshire and Suffolk County Councils before being appointed Director of Libraries and Heritage for Suffolk in 1990, a post from which she retired in March 2001. She has served as a member of the Lord Chancellor's Advisory Committee on Public Records and is a past president of the Society of Archivists. She has also served on the Executive Committee of the Friends of the National Libraries, the East of England Cultural Consortium of the South East Museums Service and has chaired the Heritage Lottery Fund Committee for the East of England.

**Appointed 1 February 2002: resigned 5 May 2006**

#### 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 1991-1997, and, in addition, from 1992 was Head of European Sculpture and Works of Art Department there. He was editor of *Apollo* magazine from 1997-2004. 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.

**Appointed 14 November 2002: appointment expires 12 November 2010**

#### JOHNNY VAN HAEFTEN

Chairman and Managing Director of Johnny Van Haeften Ltd, the gallery specialising in seventeenth-century Dutch and Flemish Old Master pictures, which he has run for thirty 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, 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 on 27 June 2008**

## 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 & Albert Museum, before becoming Director of the Fitzwilliam Museum, Cambridge (1989 to 1995). He then served as Director of Historic Buildings at the National Trust (1995 to 2002). He is also an Honorary Vice President of the Society of Antiquaries of London, a Life Trustee of Sir John Soane's Museum and a member of the Advisory Council of the Art Fund.

**Appointed 10 April 2007: appointment expires on 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), 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. She was a former Chair of the Society of Jewellery Historians and is currently a Trustee of the Roman Research Trust .

**Appointed 19 February 2003: appointment expires on 17 February 2011**

## TIM KNOX

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

**Appointed 14 March 2002: appointment expires 13 March 2009**

## MARTIN LEVY

Chairman of H Blairman & Sons. He was Chairman of the British Antique Dealer's Association (1993-94), Council member of the Furniture History Society (1994-96), and is a member of the Collections Committee for the Jewish Museum and a member of the Spoliation Advisory Panel. He has been published by various journals including *Furniture History*, *Apollo* and *Country Life*.

**Appointed 1 March 1997: appointment expired on 28 February 2007**

## PROFESSOR PAMELA ROBERTSON

Currently 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 Member of the Interiors and Collections Committee of the National Trust for Scotland and Chair of the Charles Rennie Mackintosh Society. Previously, she was a member of the Historic Buildings Council for Scotland (1998 to 2002). 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).

**Appointed 2 December 2003: appointment expires on 1 December 2007**

## 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 to 2005) and was on the Council of the Friends of the National Libraries (2003 to 2006). 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 on 19 November 2010**

# Appendix D

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## List of independent assessors who attended meetings during 2006 – 2007

<b>William Agnew</b> , W Agnew & Company Ltd	Case 22
<b>Professor Brian Allen</b> , Director of Studies, Paul Mellon Centre for Studies in British Art	Cases 4, 6 & 10
<b>Charles Beddington</b> , Charles Beddington Ltd	Case 11
<b>Professor Julia Boffey</b> , Head of School of English and Drama, Queen Mary University of London	Case 9
<b>Dr Steve Burrow</b> , Earlier Prehistorian, National Museums Wales	Case 24
<b>Dr Peter Cannon-Brookes</b> , formerly Keeper of Department of Art, National Museum of Wales	Cases 20 & 21
<b>Alison Carter</b> , Senior Keeper of Art and Design, Hampshire County Council	Case 16
<b>Clarissa Campbell Orr</b> , Head of History, Anglia Ruskin University	Case 17
<b>Peter Clayton</b> , Seaby Antiquities/ Retired Archaeologist	Cases 7, 8 & 26
<b>Andrew Clayton-Payne</b> , Andrew Clayton-Payne Ltd	Cases 4, 6 & 10
<b>Dr Richard Cocke</b> , Senior Lecturer, School of World Art Studies & Museology, University of East Anglia	Cases 1, 20 & 21
<b>Shirley Corke</b> , retired Archivist, Guildford Muniment Room, Surrey History Centre	Case 14
<b>David Crook</b> , Medieval Team, Research Knowledge & Academic Services Department, National Archives	Case 9
<b>Professor David Davies</b> , Emeritus Professor in the History of Art, University of London	Case 11
<b>Professor A S G Edwards</b> , Editor, English Manuscript Studies 1100-1700	Cases 25 & 27
<b>Dr Mark Evans</b> , Senior Curator of Paintings, Victoria and Albert Museum	Case 18
<b>Sam Fogg</b> , Sam Fogg Ltd	Case 27
<b>Michael German</b> , Michael German Antiques Ltd	Case 3
<b>Francesca Galloway</b> , Francesca Galloway Ltd	Cases 16 & 23

<b>Professor James Graham-Campbell</b> , Emeritus Professor of Medieval Archaeology, University College London	Case 26
<b>Dr Richard Hall</b> , Deputy Director, York Archaeological Trust	Case 26
<b>Colin Harrison</b> , Assistant Keeper, Ashmolean Museum	Cases 4, 6 & 10
<b>Joanna Hashagen</b> , Keeper of Textiles, The Bowes Museum	Case 23
<b>Professor David Hinton</b> , Head of Education, Department of Archaeology, University of Southampton	Cases 7 & 8
<b>Robert Holden</b> , Robert Holden Ltd	Case 19
<b>Emma House</b> , Assistant Keeper of Fine Art, The Bowes Museum	Case 11
<b>Clive Hurst</b> , Head of Rare Books, Bodleian Library	Case 12
<b>Anthea Jarvis</b> , retired Principal Curator, Gallery of English Costume, Platt Hall	Case 13
<b>Alastair Laing</b> , Adviser on Pictures and Sculptures, National Trust	Cases 19 & 22
<b>Professor Andrew Lambert</b> , Department of War Studies, King's College London	Case 28
<b>Andrew Loukes</b> , Curator of Fine Art, Manchester Art Gallery	Case 18
<b>Gregory Martin</b> , Art Consultant	Cases 2, 20 & 21
<b>Professor David McKitterick</b> , Librarian, Trinity College Cambridge	Cases 25 & 27
<b>Dr Roger Morriss</b> , Centre for Maritime Historical Studies, University of Exeter	Case 28
<b>Anthony North</b> , retired Curator, Victoria & Albert Museum	Case 3
<b>Dorothy Osler</b> , Independent Author and Quilt Scholar	Case 16
<b>Richard Oviden</b> , Keeper of Special Collections and Western Manuscripts, Bodleian Library	Case 14
<b>David Park</b> , Director/ Head of Books & Manuscripts Department, Bonhams	Cases 9, 14 & 15
<b>Dr Tim Pestell</b> , Curator (Anglo-Saxon), Archaeology Department, Norfolk Museums and Archaeology Service	Cases 7 & 8

<b>Felix Pryor</b> , Archive and Manuscript Consultant	Cases 17 & 25
<b>Pauline Rushton</b> , Curator of Costume and Textiles, National Museums Liverpool	Case 13
<b>David Scrase</b> , Assistant Director, Collections and Keeper of Paintings, Drawings and Prints, Fitzwilliam Museum	Case 19
<b>Professor Adrian Seville</b> , Independent Game Historian and former Academic Registrar, City University	Case 12
<b>Dr Alison Sheridan</b> , Head of Early Prehistory, National Museums Scotland	Case 24
<b>Emma Slocombe</b> , Curator (Interiors), Scotney Castle Garden and Estate	Case 23
<b>Timothy Stevens</b> , Gilbert Collection, Hermitage Development Trust	Cases 1, 2 & 22
<b>Dr Sara Stevenson</b> , Chief Curator, Scottish National Portrait Gallery	Case 15
<b>Kerry Taylor</b> , Kerry Taylor Auctions LLP	Case 13
<b>Michael Tollemache</b> , Michael Tollemache Fine Art	Case 18
<b>Dr Stephen Twigge</b> , Head of Research, The National Archives	Case 5
<b>Joanna van der Lande</b> , Bonhams	Case 24
<b>Edward Wakeling</b> , Collector, Consultant, Researcher and Writer	Case 15
<b>Aidan Weston-Lewis</b> , Senior Curator of Italian and Spanish Art, National Gallery of Scotland	Case 1
<b>Michael Webb</b> , Special Collections and Western Manuscripts, Bodleian Library	Cases 5 & 17
<b>Sir Christopher White</b> , former Director, Ashmolean Museum	Case 2
<b>John Wilson</b> , John Wilson Manuscripts Ltd	Case 5
<b>Stephen Wood</b> , Researcher and Consultant	Cases 3 & 28

# Appendix E

## Value of items placed under deferral (1997-98 to 2006-07) (i) for which permanent licences were issued and (ii) where items were purchased by UK institutions or individuals

(1) Year	(2) Value of items where a decision on the licence application was deferred (£m)	(3) Value (at deferral) of cases in (2) where items were licensed for permanent export (£m)	(4) Value of items in (3) as % of (2)	(5) Value of items in (2) that were not licensed for export (£m)	(6) Value (at deferral) of cases in (2) where items were purchased by UK institutions or individuals <sup>1</sup> (£m)	(7) Value of items in (6) as % of (2)
1997-98	23.3	18.9	81%	4.4 <sup>2</sup>	4.3	18%
1998-99	23.5	21.0	89%	2.5 <sup>3</sup>	2.3	10%
1999-2000	9.5	5.0	53%	4.5 <sup>4</sup>	0.5	5%
2000-01	19.3	12.6	65%	6.6 <sup>5</sup>	3.7	19%
2001-02	18.9 <sup>6</sup>	11.4 <sup>7</sup>	60%	7.5 <sup>8</sup>	5.4 <sup>9</sup>	29%
2002-03	74.9	23.2	31%	51.7 <sup>10</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>11</sup>	5.8	13%
2005-06	15.6	7.3	47%	8.3	8.3	53%
2006-07	24.5	10.7 <sup>12</sup>	44%	11.8 <sup>13</sup>	7.0	29%
<b>TOTALS</b>	<b>263.2</b>	<b>141.3</b>	<b>54%</b>	<b>120.3</b>	<b>83.3</b>	<b>32%</b>

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

<sup>2</sup> Includes value of one case (£122,500) where a matching offer was refused and the Secretary of State therefore refused an export licence.

<sup>3</sup> Includes value of one case (£130,275) where the licence application was withdrawn during the deferral period.

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

<sup>5</sup> Includes value of four cases (£2,964,362.50) where the licence application was withdrawn during the deferral period.

<sup>6</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>7</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>8</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>9</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>10</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>11</sup> Includes value of five cases (£10,422,776) where the application was withdrawn during the deferral period.

<sup>12</sup> Excludes value of one case (£21,000) 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>13</sup> Includes value of two cases (£2,700,000 and £2,088,800) where the applications were withdrawn during the deferral period. Excludes one case still under deferral at the time of writing.

# Appendix F

Items licensed for export after reference to expert advisers as to national importance:  
1 May 2006 – 30 April 2007

Category	Advising authority	No of Items	Total value (£)
Arms and armour	Royal Armouries, HM Tower of London, Master of the Armouries	10	1,713,520
Books, maps etc	British Library, Keeper of Printed Books, Keeper of Printed Maps	90	18,404,982
Books (natural history)	British Museum (Natural History), Head of Library Services	3	230,400
Clocks and watches	British Museum, Keeper of Clocks and Watches	41	13,664,318
Coins and medals	British Museum, Keeper of Coins and Medals	364	10,486,518
Drawings: architectural, engineering and scientific	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	60	12,851,889
Drawings, prints, watercolours	British Museum, Keeper of Prints and Drawings	340	95,611,382
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	1	260,000
Ethnography	British Museum, Keeper of Ethnography	1	84,600
Furniture and woodwork	Victoria & Albert Museum, Curator of the Furniture and Woodwork Collection	190	35,936,234
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	13	1,579,097
Indian furniture	Victoria & Albert Museum, Curator of the Indian and South-East Asian Department	3	905,000
Japanese antiquities	British Museum, Keeper of Japanese Antiquities	1	800
Manuscripts, documents and archives	British Library, Manuscripts Librarian	1,835	186,960,843
Maritime material, including paintings	National Maritime Museum	0	-
Oriental antiquities (except Japanese)	British Museum, Keeper of Oriental Antiquities	66	17,281,152
Oriental furniture	Victoria & Albert Museum, Keeper of Oriental Furniture	2	426,800
Paintings, British, modern	Tate, Keeper of the British Collection	195	306,756,768
Paintings, foreign	National Gallery, Director	356	869,560,698
Paintings, miniature	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	0	-
Paintings, portraits of British persons	National Portrait Gallery, Director	69	110,721,420
Photographs	National Media Museum, Head of Museum	43	2,065,785

Category	Advising authority	No of Items	Total value (£)
Pottery	Victoria & Albert Museum, Curator of the Ceramics Collection	34	10,601,879
Prehistory & Europe (inc. archaeological material & Medieval and later antiquities)	British Museum, Keeper of Prehistory & Europe	23,338	18,528,303
Scientific and mechanical material	Science Museum, Director	1	160,000
Sculpture	Victoria & Albert Museum, Curator of Sculpture	104	68,951,151
Silver and weapons, Scottish	National Museums of Scotland, Curator	0	-
Silver, metalwork and jewellery	Victoria & Albert Museum, Curator of the Metalwork, Silver and Jewellery Collection	229	46,378,100
Tapestries, carpets (and textiles)	Victoria & Albert Museum, Curator of the Textile, Furnishings and Dress Collection	34	6,704,751
Toys	Museum of Childhood	0	-
Transport	Heritage Motor Centre	17	5,183,403
Wallpaper	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	0	-
Western Asiatic antiquities	British Museum, Keeper of Western Asiatic Antiquities	4	835,000
Zoology (stuffed specimens)	British Museum (Natural History), Keeper of Zoology	0	-
<b>TOTALS</b>		<b>27,444</b>	<b>1,842,844,793</b>

# Appendix G

## **EXTRACT FROM MUSEUMS AND GALLERIES IN BRITAIN**

### **Collections purchase**

In Table 4, we consider the resources available for the leading British museums and galleries to extend or improve their collections. As with the previous table, the numbers are 'lumpy' from year to year, reflecting the variable nature of museums' and galleries' capacities to invest in their stock of artefacts (though the 'lumpy' nature of objects coming to market may also be a factor). The average spend per year of this set of institutions is in the range £25 to £40 million, though there are years above and below this total.

Larger expenditures on collections occur at the National Gallery, the British Museum and Tate. The latter, in particular, appears to manage a relatively consistent spend of around £10 million per year, though prices of many cultural artefacts have risen faster than inflation. For other national institutions, sums of under £1 million per annum are typical. In a number of cases, particularly the major regional museums included in this study, the amounts spent are less than £100,000 a year. Figures from Art Market Report suggest inflation in the cost of Old Master paintings over the period since 1980 has been over 400 per cent. For the top two per cent of paintings, the rise was very much higher.

Thus, the amounts spent on acquisitions are very small. In some years, the amount spent by the leading British museums and galleries on purchasing new artefacts – ranging from scientific via heritage to artistic and natural history items – is less than £20 million. Major auction houses in New York, London and Paris from time to time sell individual items costing more than this total. Leading institutions in the United States can often spend several times as much. There can be little doubt that, coupled with the patchy nature of capital investment discussed above, this inability to build up collections by purchase means that British institutions are at an inevitable disadvantage compared with their equivalent

institutions in the US and, from time to time, elsewhere in Europe.

Of course, there are other ways for museums and galleries to extend their collections, most obviously by gifts and donations. But this source can only go so far in making up the modest sums available for purchases. Moreover, not everything that institutions would or should collect is currently the object of existing private collections. Also, the scale of private wealth in the United States is such that very much larger collections are likely to be built up there.

Table 5 compares the expenditure on collections purchase in leading British museums and galleries in recent years. In each case, the average annual expenditure for each year where data exists since 1997-98 is shown. For purposes of comparison, the equivalent data from a number of overseas institutions are also shown, though the time-series for these numbers is rather shorter.

Although the 'overseas' museums available for comparison are to some extent opportunistically selected by being major institutions where there are published data for two or more years, the general point made by Table 5 is clear. There are a number of important museums and galleries in other countries, particularly the US, where the annual level of expenditure on purchases is significantly greater than in the leading UK institutions.

Indeed, there are likely to be many American institutions that are spending significantly more on acquisitions than any British museum or gallery. Moreover, the scale of donations of artefacts and collections (as opposed to money) – particularly in the United States – means this table understates the disadvantage of the UK institutions compared with their American counterparts.

Table 4: Collections purchase

Institutions	Expenditure Collections purchase (£000s)									
	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	
Birmingham Museums & Art Gallery			319	61	47	45	27	232	148	
Bristol's Museums, Galleries & Archives				11	29	19	19	16	69	
Hampshire County Council					19	29	30	43	50	
Leicester City Museums Service				6	16	61	3	16		
Norfolk Museums & Archaeology Service					1,473	220	130	316	96	
Sheffield Galleries & Museums Trust			7	37	43		280	94		
Tyne & Wear Museums	368	59	56	23	12	441	28	229	153	
<b>Subtotal – regional museums</b>	<b>368</b>	<b>59</b>	<b>382</b>	<b>1,611</b>	<b>166</b>	<b>815</b>	<b>761</b>	<b>945</b>	<b>516</b>	
National Museums of Scotland	781	226	522	600	469	586	582	507	327	
Amgueddfa Cymru	1,552	2,781	2,523	1,679	409	422	530	506	554	
British Museum	1,866	3,180	2,454	9,725	17,847	2,238	6,578	1,163	2,320	
Imperial War Museum	447	420	360	226	94	177	191	190	123	
Museum of London					19	190	260	875		
National Gallery	14,124	878	19,884	9,550	7,001	1,668	35,756	7,376	3,262	
National Maritime Museum	200	500	400	200	700	1,400	100	347	185	
National Museum of Science & Industry	156	263	173	161	88	25	9	4	20	
National Museums Liverpool	300	158	100	152	330	4,043	488	1,708		
National Portrait Gallery	400	400	700	300	800	1,000	700	703	1,049	
Natural History Museum					171				5	
Royal Armouries	340	250	240	90	240	210	250	260	131	
Tate	8,979	8,540	12,409	8,474	7,365	11,287	16,865	8,983	13,332	
Victoria and Albert Museum	1,193	916	1,590	813	2,503	1,408	1,872	1,287	1,082	
<b>Subtotal – national museums</b>	<b>30,338</b>	<b>18,512</b>	<b>41,355</b>	<b>31,970</b>	<b>38,036</b>	<b>24,654</b>	<b>64,181</b>	<b>23,909</b>	<b>22,390</b>	
<b>TOTAL</b>	<b>30,706</b>	<b>18,571</b>	<b>41,737</b>	<b>33,581</b>	<b>38,202</b>	<b>25,468</b>	<b>64,941</b>	<b>24,854</b>	<b>22,906</b>	

Donated pictures and donations relating to capitalised collection acquisitions are disclosed as donations and sponsorship income, and donated collection acquisitions as collection purchases

**Table 5: Average annual spend on collections purchase by museums and galleries – Britain and overseas (£m)**

Institution	Average annual expenditure on acquisitions 2001-2004* (£m)
National Gallery	12.270
Tate	10.595
British Museum	7.621
Victoria and Albert Museum	1.577
National Museums Liverpool	1.344
Amgueddfa Cymru – National Museum Wales	0.709
National Portrait Gallery	0.701
National Maritime Museum	0.549
National Museums Scotland	0.549
Museum of London	0.336
Royal Armouries	0.210
Imperial War Museum	0.176
National Museum of Science & Industry	0.057
Natural History Museum	0.171
Van Gogh Museum (Netherlands)	17.402
Louvre (France)	6.416
Rijksmuseum (Netherlands)	3.851
State Museums Berlin (Germany)	1.377
Musee d'Orsay (France)	1.056
Staatliche Kunstsammlungen Dresden (Germany)	0.305
Deutsches Museum (Germany)	0.187
J Paul Getty Museum (USA)	17.005
Metropolitan Museum (USA)	16.623
MoMA (USA)	9.859
MFA Boston (USA)	8.237

These figures do not record the value of donations and bequests, and therefore are not representative of the overall collecting activity of institutions

Source for UK figures – MLA/NMDC questionnaire (data from 2000/1-2004/5)

Source for international figures – Published annual reports or annual financial statements, 2001-2004 where available. Research conducted for NMDC by AEA Consulting, 2005.

(Data not available for every year. Currency conversion at current rate, November 2006)

Additional work on this subject has now been published by The Art Fund, which suggests that the analysis in this MLA/NMDC report may understate the problem (The Art Fund 2006)

# Appendix H

## Applications considered and deferred on the recommendation of the Reviewing Committee: 1997-98 to 2006-07

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 (£)
1997-98	7	18,896,762	7	4,125,200	3	1,180,633 <sup>1</sup>	5	376,500	2	54,500
1998-99	8	21,009,066	8 <sup>2</sup>	2,369,631	3	560,000	5	117,320	3	58,000
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>3</sup>	3,168,087	6	1,780,630 <sup>4</sup>	7	690,7014 <sup>4</sup>	2	5,012
2001-02	5 <sup>5</sup>	11,436,169	21	2,944,208	18	1,627,956	19	569,395	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	4 <sup>6</sup>	10,699,088	12	15,215,700	4	1,944,032	3	700,275	2	40,000

<sup>1</sup> A grant of £12,000 was also made for conservation work

<sup>2</sup> Including a Roman gold finger-ring, valued at £2,352.50, which was donated by the owner to the British Museum

<sup>3</sup> Including a series of 13 related finds

<sup>4</sup> Offers of grants were made for a further two items by the NHMF and the NACF. In both cases, the licence applications were withdrawn

<sup>5</sup> A licence was issued for a further item, but it was subsequently sold to a UK institution

<sup>6</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.

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
1997-98	A drawing, <i>Antonio Canova in His Studio</i> , by Hugh Douglas Hamilton	Victoria & Albert Museum	525,400	0	262,700	0
1997-98	A silver eggcup frame and eggcups, by Peter Archambo	National Trust	120,000	0	35,000	35,000
1997-98	A painting, <i>Girl with a Tambourine</i> , by Jusepe de Ribera, 1637	Anonymous UK buyer	1,845,637.50	0	0	0
1997-98	A chair designed by Charles Rennie Mackintosh for Hous'hill, 1904	Hunterian Museum and Art Gallery	140,000	(HLF) 70,000	35,000	0
1997-98	<i>The Warwick Shakespeare deed</i> , 1602	Shakespeare Birthplace Trust	135,862.50	(HLF) 101,900	0	19,500
1997-98	A medieval bronze purse, c.1450	British Museum	15,300	0	4,300	0
1997-98	A painting, <i>Nearing Camp on the Upper Colorado River</i> , by Thomas Moran, 1882	Bolton Museum, Art Gallery and Aquarium	1,343,000	(HLF) 1,008,733 (plus 12,000 for conservation)	39,500	0
1998-99	A first-century AD bronze harness-mount	Corinium Museum	4,000	0	1,000	2,000
1998-99	Three paintings: <i>Mr William Brooke</i> , <i>Mr William Pigot</i> , and <i>Mrs William Pigot</i> , by Joseph Wright of Derby, c.1760	Doncaster Museum and Art Gallery	215,000	(HLF) 161,000	13,000	26,000
1998-99	A gilt-bronze figure of Saint John the Evangelist, c.1180	Ipswich Borough Council and St Edmundsbury Borough Council	95,000	(HLF) 70,000	15,000	0
1998-99	A lady's secretaire by Thomas Chippendale, 1773	Leeds Museums and Galleries for Temple Newsam House	650,000	(HLF) 329,000	70,000	0
1998-99	A Charles II two-handled silver porringer and cover, c.1660, attributed to the workshop of Christian van Vianen	Fitzwilliam Museum	73,282.50	0	18,320	30,000
1998-99	A painting, <i>Le Ruisseau</i> , by Paul Gauguin, 1885	Anonymous UK buyer	1,200,000	0	0	0
1998-99	A painting, <i>Collage (Jan 27 1933)</i> , by Ben Nicholson	Tate Gallery	129,995.63	0	0	0
1999-00	A manuscript, the <i>Swan Roll</i> , c.1500	Norfolk Record Office	34,870	0	0	17,290
1999-00	A Romano-British pottery vessel, AD 200-250	British Museum	3,850	0	0	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
1999-00	An Anglo-Saxon silver gilt and niello mount from a sword scabbard	British Museum	9,000	0	4,500	0
1999-00	An English hand-knotted carpet, c.1600	Burrell Collection	297,969.56	(HLF) 102,500	75,000	0
1999-00	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	(HLF) 37,600	0	0
1999-00	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 BC	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 heads from the Marnhull hoard, Dorset, 1400-1250 BC	Dorset County Museum	3,215	0	0	1,462
2000-01	An Egyptian limestone relief, c.1295-1069 BC	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> , 2nd century AD	British Museum	679,683.14	(HLF) 362,000	100,000	0
2000-01	Three English fifteenth-century wooden figures	Victoria & Albert Museum	258,500	(HLF) 145,000	50,000	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
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 (1832-98) ('Lewis Carroll')	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 BC	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 fifteenth-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
2002-03	A Roman well-head, the Guilford Puteal, c.100 BC	British Museum	294,009.30	0	108,000	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
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
2002-03	A bronze incense burner attributed to Desiderio da Firenze	Ashmolean museum	980,000	(NHMF) 768,679	150,000	0
2002-03	A painting the <i>Madonna of the Pinks</i> , by Raphael	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.18	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
2003-04	The Archive of G King & Son	Norwich Town Close Estate Charity	13,810	0	0	0
2004-05	A linen doublet, 1650s	National Museums of Scotland	25,935	0	0	0
2004-05	An Iron Age coin	British Museum	2,000	0	0	0
2004-05	The Macclesfield Psalter	Fitzwilliam Museum	1,685,600	(NHMF) 860,000	500,000	0
2004-05	A multi-gem Cartier bandeau	Private purchaser	300,000	0	0	0
2004-05	A pink satin and black bugle beaded bodice	Manchester City Galleries	12,350	0	0	3,500
2004-05	A marble sculpture by Benedetto Pistrucci	The Rothschild Foundation	176,250	0	0	0
2004-05	The Melchett Cast-Iron Fire Basket	Victoria and Albert Museum	66,000	0	25,000	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)	Support by MLA/V&A Purchase Grant Fund (£)
2004-05	A drawing of Mary Hamilton by Sir Thomas Lawrence	Victoria and Albert Museum	165,000	(NHMF) 75,000	50,000	0
2004-05	A painting by Sir Joshua Reynolds, <i>The Archers</i>	Tate	3,200,000	(NHMF) 1,600,000	400,000	0
2004-05	A Charles II silver dish	Royal College of Physicians	192,000	(NHMF) 42,000	0	0
2005-06	An Anglo-Saxon gold coin of King Coenwulf of Mercia	The British Museum	357,832	(NHMF) 225,000	60,000	0
2005-06	Seven silver pieces (six off-cuts from silver ingots and a stamped arm-ring fragment)	The Ulster Museum	1,000	0	0	0
2005-06	A medieval bronze jug	The Luton Museums Service	750,000	(NHMF) 568,000	137,500	0
2005-06	The Codex Stosch	The British Architectural Library	274,418	0	100,000	0
2005-06	A pair of paintings entitled <i>View of the Grand Walk, Vauxhall Gardens and The Rotunda, Ranelagh</i> by Giovanni Antonio Il Canaletto	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	A family philanthropic 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	World Museum 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 eighteenth-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		8,000
2006-07	A Guild Roll of the Guild of St Mary	Nottinghamshire Archives	6,600	0	0	3,300
2006-07	A fifteenth-century Illuminated Manuscript of the Hours of the Passion	The British Library	635,200	0	250,000	0
2006-07	An eighteenth-century Union flag	National Maritime Museum	48,000	0	0	0

# Appendix J

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

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

- (i)** the independent members of the Reviewing Committee ex officio;
- (ii)** the departmental assessors on the Reviewing Committee (that is representatives of the Department for Culture, Media and Sport, Department of Trade and Industry, HM Treasury, Foreign and Commonwealth Office, HM Revenue and Customs, Scottish Executive 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 of Wales, the Ulster Museum, 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 the: Arts Council of England; Arts Council of Northern Ireland; Arts Council of Wales; Association of Independent Museums; National Museums Directors' Conference; Friends of the National Libraries; Heritage Lottery Fund; The National Archives; National Archives of Scotland; Art Fund; National Fund for Acquisitions; National Heritage Memorial Fund; National Trust; National Trust for Scotland; Pilgrim Trust; MLA/Victoria & Albert Purchase Grant Fund; the MLA/Science Museum Fund for the Preservation of Scientific and Industrial Material (PRISM); Scottish Arts Council;
- (vii)** representatives of the: 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; Standing Conference of National and University Libraries;
- (viii)** representatives of the trade nominated by the: Antiquarian Booksellers' Association (two); Antiquities Dealers' Association (two); Association of Art and Antique Dealers (two); Bonhams; British Antique Dealers' Association (three); British Art Market Federation; British Numismatic Trade Association (two); Christie's; Fine Art Trade Guild; Society of London Art Dealers (two); Society of Fine Art Auctioneers; Sotheby's.

# Appendix K

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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, 2005)

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



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