

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 2007-08

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

Cover Image:
A ledger kept by a 17th-century
lead merchant in the Peak District

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department for
**culture, media
and sport**

EXPORT of OBJECTS of CULTURAL INTEREST 2007-08

1 May 2007 – 30 April 2008

- 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

I am pleased to lay before Parliament this, the fourth 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 2007 to 30 April 2008.

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, once again, we have been broadly successful in that aim during the past year.

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

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

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

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

Export of Waverley standard objects

A total of 18 items were referred to the Committee by Expert Advisers, 17 of which were subsequently found to meet the Waverley Criteria. One application where the item was found to meet the Waverley Criteria was withdrawn following the hearing and consequently not referred to the Secretary of State. I accepted the Committee's recommendations on all the 16 cases referred to me. I refused a licence for one of the referred cases, at the end of the first deferral period because the owner had failed to confirm they were willing to accept a matching offer at the recommended price.

In all, eight items, valued at £1.4 million, have been purchased by institutions or individuals in the UK. Export licences have been issued for seven items, valued at £12.8 million.

I fully understand the Committee's concern that of the 17 objects which met the Waverley Criteria, seven were eventually granted an export licence. It is very welcome news, however, that eight items 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 spectacular success for the export control system. Such a positive outcome would not, of course, have been possible without the valuable assistance of the National Heritage Memorial Fund, the Heritage Lottery Fund, The Art Fund, the MLA/Victoria & Albert Museum Purchase Grant Fund, associations of friends of museums and galleries, as well as private and corporate donors, all of whom deserve our thanks and recognition.

I understand the Committee's views on the level of funding available for acquisitions and take this matter seriously. The Government's grant to the National Heritage Memorial Fund was increased to £10 million in 2007-08 and for the following three years, thereby doubling its resources for the acquisition of 'national treasures'. 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.

This is the right place to record the Government's profound gratitude to all those bodies and individuals mentioned in Part 1 of the Report who have so generously made the listed acquisitions possible. I was especially pleased that it was possible for us to facilitate the acquisition of the d'Offay collection under special arrangements and to take advantage of Mr d'Offay's exceptional generosity in wishing to bring his collection into public ownership.

I very much hope that generous individuals, businesses and trusts and foundations will continue to support the acquisition of Waverley quality objects, despite the difficult financial climate which we must all face together.

Finally, the Acceptance in Lieu scheme has continued successfully to ensure that an exceptional range of pre-eminent objects has been taken into public ownership. In the 2007-08 tax year 32 cases were completed, resulting in items valued at £15.2 million, settling approximately £10.3 million in tax, being accepted under the scheme and being distributed to museums throughout the UK, from the Isle of Wight to North Yorkshire and also to five National Trust properties.

A handwritten signature in black ink that reads "Andy Burnham". The signature is written in a cursive, flowing style.

Rt Hon Andy Burnham MP

Operation of the control

The following figures cover the period of this report (1 May 2007-30 April 2008).

		1 May 2007- 30 April 2008	1 May 2006- 30 April 2007
(a)	Number of applications for individual export licences ¹	12,236	11,607
(b)	Number of above applications which were for manuscripts, documents or archives	1,444	1,835
(c)	Number of items licensed after reference to expert advisers on the question of national importance	32,330	27,444
(d)	Total value of items in (c)	£2,111,129,690	£1,842,844,793
(e)	Number of Open Individual Export Licences issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives	16	16
(f)	Number of items licensed after the Export Licensing Unit was satisfied of import into the UK within the past 50 years	14,333	17,723
(g)	Total value of items in (f)	£6,297,615,224	£6,476,033,522
(h)	Number of items in (f) which were manuscripts, documents or archives	1,281	838
(i)	Total value of items in (h)	£96,612,684	£67,887,642
(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 ²	2,707	4,100
(k)	Total value of items in (j) ²	£1,840,307,871	£1,549,816,636

¹One application may cover several items.

²In 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.



department for
**culture, media
and sport**

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

1 May 2007 – 30 April 2008

To:
Rt Hon Andy Burnham MP
Secretary of State for Culture, Media and Sport

Fifty-fourth Report of the
Reviewing Committee

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

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Lord Inglewood (Chairman)

Professor David Ekserdjian

Mr Simon Swynfen Jervis

Dr Catherine Johns

Mr Tim Knox

Professor Pamela Robertson

Mr Johnny Van Haeften

Dr Christopher Wright

JOINT SECRETARIES

Ms Nicki Fox

Ms Isabel Wilson

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Secretary

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Museums, Libraries and Archives Council

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

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PART I:

Reviewing Committee Report for 2007-08

1 May 2007 – 30 April 2008

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 at Appendix A. The terms of reference of the Reviewing Committee can be found at Appendix B.

Committee Members, Expert Advisers, Independent Assessors and the administration of the system of export control

There were no changes in membership of the Committee during the 2007-08 reporting year (up until the end of April 2008). Two members were re-appointed for a second term: The Chairman, Lord Inglewood to run from 1 December 2007 to 30 November 2011 and Pamela Robertson to run from 1 December 2007 to 30 November 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 once more like 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 into fulfilling this role, which is essential to the smooth running of our system of export control. The quality of their expertise and commitment is of the highest order.

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.

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

The Committee's work falls into two distinct parts. The first focuses generally on the working of the system of export control and the second advises the Secretary of State on individual cases. In this report we begin with the former.

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 character 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. In order, therefore, for the system to work effectively there must be buyers.

Philanthropy

In July 2007, only days before its intended sale, Dumfries House and its contents were acquired by a charitable trust that was set up with strong support from, amongst others, HRH the Prince of Wales. But for this, there can be little doubt that the Reviewing Committee would have had a much busier year as Dumfries House contains some of the most important Thomas Chippendale and 18th-century Scottish furniture in the country.

This welcome development brought together public and private bodies in an imaginative grouping with £20m coming from the Prince's Charities Foundation, £9m from the Monument Trust, £7m from the National Heritage Memorial Fund (NHMF), £5m from the Scottish administration and £2.25m from The Art Fund.

The Scottish administration and the UK Government worked together later in the year to bring about the acquisition of the Anthony d'Offay Collection by Tate and the National Galleries of Scotland. Although this important collection comprises works most of which have been in the UK for less than 50 years and therefore not of direct concern to the Committee, it highlights the important role philanthropy can play in securing our national treasures.

The collection was conservatively valued at £125m and Mr d'Offay gave almost £100m of its value before tax, as he committed to receive only £26.5m when he proposed to transfer it into the joint ownership of Tate and the National Galleries of Scotland. All those involved and not least the Government are to be congratulated on their willingness to devise and finance an imaginative and complex arrangement by which the tax due on the sale by the donor was to be met from the public purse and not by Mr d'Offay himself. Mr d'Offay has referred to his early love of the national collections in Edinburgh as the stimulus for his wish personally to enrich the public collections.

Of course we accept that there is much more to the promotion of philanthropy than simply the issue of tax incentives, but this particular example shows that it often does have a critical role to play and how an incentive can leverage enormous public benefit. It is to be hoped that the example of private philanthropy shown by Anthony d'Offay and the Government's willingness to be both generous and creative in ensuring that the transaction did proceed will spur on others and lead to further refinements in our country's encouragement of philanthropy. We welcome and support the National Museum Directors' Conference (NMDC), Museums, Libraries and Archives Council

(MLA) and Arts Council England (ACE) manifesto *Private Giving for the Public Good* which calls for the introduction of more incentives for people who give to museums and other cultural institutions to ensure that all parts of the country benefit from cultural philanthropy.

It is unrealistic to expect that either private money or public funds, each on their own, can maintain and achieve the development of the heritage sector in a way which is required in a country like ours. When, however, they work together effectively, successes such as Dumfries House and the d'Offay collection can be achieved.

In the same spirit, the Committee was pleased that the Government responded positively to the concerns raised by museums and the wider sector when draft proposals were issued in respect of taxing non-domiciles on income earned abroad. Although often little known, the philanthropy of 'non-doms' has been a key element in financing several major gallery refurbishments and new developments as well as being the source of significant loans to both exhibitions and permanent displays. Regardless of any other considerations, the loss of their contribution to our national cultural life would be most damaging.

Committee's recommendations for aiding acquisitions

The Reviewing Committee exists to provide a mechanism of last resort by which important cultural objects can remain in the UK. It would be quite content if it was called upon to consider cases less frequently than it does. Indeed, were it never required to meet again, this could be considered a resounding success. The Committee therefore welcomes those measures such as the *douceur* system which encourages owners to sell to UK public bodies through private treaty sales rather than to go to auction. The reality, however, is that the first indication that many museums have of items coming onto the market is through auction sale catalogues. We see no reason, in principle, why the same

advantages that most public museums enjoy when acquiring through private treaty sale could not be available if the sale was conducted through auction and urge HM Revenue & Customs to reconsider the current custom and practice in this area, since it might well assist in retaining national treasures in this country.

In January 2008, the Olympics Minister, Tessa Jowell, told the Culture Select Committee that, following the 2012 Games, the National Lottery would be reimbursed by an estimated £675 million from the proceeds of the sale of Olympic assets. This is very welcome. In the intervening period, however, national treasures will inevitably come under threat of export – vendors are unlikely to delay selling on account of the Olympics. If, during this period, treasures depart these shores, there is unlikely to be a second opportunity to bring them back. A system of advance payments, to smooth out the variations in the annual amount available, if introduced, could ensure both that the next few years do not see a disproportionate loss to our heritage and that the Heritage Lottery Fund continues to provide its essential financial support.

Valuations

During the past year we have received a number of queries about our recommendations to the Secretary of State in respect of the matching price of items we consider meet the Waverley Criteria. Some thought we were seeking too much detail, others were concerned where the value was significantly above an item's relatively recent purchase price, while others doubted whether we had been rigorous enough.

It is important to be clear that the Committee must be even-handed and in these circumstances the matching price must represent the fair market-price at the time of the application for an export licence. Where a valuation has been set by auction or a private sale or sale agreement, provided that there is adequate evidence to support the value, we are not in a position to recommend a lower valuation because this would conflict with the owner's rights under Human Rights

legislation. However, in instances where the Committee considers the evidence provided in support of the valuation on the export licence application to be insufficient, we will request that the applicant provides further information to dispel our concerns. Where the requested evidence to support the valuation is inadequate we will recommend that the Secretary of State seeks independent advice on the valuation.

In the event of a UK purchaser coming forward, the price must be one which is fair both to the owner, and to the national heritage interests, and it must be recognised to be so by all concerned. Following observations made by the previous Permanent Secretary at DCMS after attending a meeting of the Reviewing Committee and a subsequent meeting with the Chairman and ensuing discussion among Committee Members, we have introduced an additional rigour into our consideration of the valuation aspects of the cases we hear. We now always try to ensure that at least one of the Independent Assessors is involved with the Art Market and can therefore bring to bear a knowledge and expertise in valuation if required.

Nonetheless, the Committee is not an investigative body and cannot go further than this. In cases where we are unsure whether a value represents a fair market price – and valuation is not a precise science – we shall recommend that the Secretary of State seeks further advice.

Enforcement of the law in relation to Export Control is the responsibility for HM Revenue & Customs and it is for them to determine what action to take in the event of concerns about abuse of the system.

Contractually binding obligations to sell

In our annual report for 2003-04, we reported on the recommendation in the Quinquennial Review that Ministers should consider introducing a binding 'offer and undertaking' procedure requiring an applicant to commit to a binding agreement to accept a matching

offer at the beginning of the second deferral period, and the Goodison Review's recommendation in favour of such a procedure. The then Secretary of State responded that, given the relative infrequency of cases where owners refuse matching offers during the period of deferral, the introduction of such a stipulation across the board would be disproportionate. We accept this but note that it is legally possible for a binding stipulation to be required in an individual case where it was justified and proportionate, for example in relation to an applicant who had persistently breached undertakings in the past. We reserve the right to recommend to the Secretary of State that such a stipulation could be imposed in an individual case, where the particular circumstances satisfy those criteria.

The Committee has tightened up its procedures in recent years. At the hearing an applicant is asked whether the owner would be prepared to accept a matching offer, and the implications of saying 'no' are explained if he/she declines. In addition we have introduced a form which we ask the owner to sign either at the end of the first deferral period or upon receipt of a firm offer to purchase the object to confirm that they are prepared to accept a matching offer. At the end of the period covered by this report there had been no instances where an owner had refused to confirm that they would accept a matching offer. Subsequently, one owner did indicate that they were not prepared to sign the form stating that they would accept a matching offer. After due consideration, the licence application was refused.

We remain of the opinion that the integrity and efficacy of the Waverley system rests upon those affected by it honouring the obligation to behave in accordance with a simple principle. If an expression of interest is made during the first deferral period and then followed up with a firm offer during the second deferral period, it will be accepted other than in exceptional circumstances.

We have no doubt this is generally understood and acted upon. However, were that to change we would advise the Secretary of State to reconsider the procedures, as might be appropriate, to enable them to achieve the underlying purposes of our system of Export Control.

Waverley criteria

We decided to re-present the section of the guidance to exporters to make it clear that the three Waverley criteria used to measure an item's outstanding importance are not mutually exclusive, nor is any one criterion more important than the others. Each of the relatively small number of exceptional items that meet the Waverley criteria is designated a national treasure, whose departure from the country would be a misfortune. Furthermore, the test is fully met by meeting any single criterion. The first criterion is concerned with historical importance, the second with aesthetic importance and the third relates to the object's importance for scholarship. The references to 'Waverley one', 'Waverley two' and 'Waverley three' should not be interpreted as indicating a hierarchical ranking.

Temporary licences

In August 2006 a 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.

ADDITIONAL SOURCES OF FUNDING FOR ACQUISITIONS

Museums, libraries and archives have, regrettably, limited acquisition funds. So we are grateful, as always, for the external funding provided towards purchasing items placed under deferral as a result of recommendations we have made. The main sources of funding are 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 £9,397,985 to support 12 acquisitions, including £7 million towards the purchase of the Anthony d’Offay collection by the Tate and the National Galleries of Scotland. Other significant grants included £17,485 towards the purchase of the execution warrant of Mary Queen of Scots by Lambeth Palace Library, and £92,000 towards the Lancashire County Museum Service’s purchase of the Rawlinson Bookcase made by Gillows of Lancaster.

ii) The Heritage Lottery Fund

The Heritage Lottery 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 £17,500 towards the London Borough of Hounslow’s purchase of one of the few surviving Hogarth manuscripts, a letter of 1754, for Hogarth’s House. Another highlight is the grant of £179,500 towards the purchase of three portraits of the Rackett family by George Romney for Dorset Museums.

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 over £3 million for 22 projects lasting up to five years under its 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)
1998-09	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	16.74
2004-05	1.22	1.18	20.65	23.05
2005-06	4.54	1.19	0.14	5.87
2006-07	6.40	2.10	1.20	9.70
2007-08	9.40	1.10	1.60	9.90

iii) The Art Fund

The Art Fund is an independent charity that exists to save art for everyone to enjoy. It receives no funding from government or the Lottery, and instead relies on subscriptions from over 80,000 members. Since it began in 1903 it has helped to save over 860,000 works of art for UK public collections. In 2007-08, The Art Fund contributed almost £250,000 to help secure six export-stopped items for the nation, including £100,000 towards the Judges' Lodging's purchase of a carved bookcase supplied by Gillows of Lancaster, and £40,000 to help purchase the Dering Roll for the British Library.

iv) 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 2007-08, it made 166 awards totalling £1,035,142.

Two items placed under deferral during the year following a recommendation of the Reviewing Committee came within its remit. The Fund contributed £20,000 towards the purchase by Lambeth Palace Library of an annotated copy of the execution warrant for Mary Queen of Scots, 1 February 1586/7 and £30,000 towards the purchase by Lancashire County Museums Service of the bookcase made for Mrs Hutton Rawlinson by Gillows of Lancaster, 1722.

v) Other grant making bodies

Other grant making bodies may also provide funding. In 2007-08, the Garfield Weston Foundation contributed £50,000 towards the National Army Museum's purchase of the *Portrait of General Wolfe* by J S C Schaak, the North West Regional Development Agency contributed £30,000 to Lancashire County Museums Service for its purchase of the bookcase made by Gillows of Lancaster, the Friends of the National Libraries contributed £5,000 towards Lambeth Palace Library's purchase of the copy

of the warrant for the execution of Mary Queen of Scots, and the Friends of the National Libraries and the MLA PRISM Grant Fund each contributed £1,885 towards the purchase of a ledger kept by a 17th-century lead merchant in the Peak District by Derbyshire Record Office. All of these items were placed under deferral following a recommendation of the Reviewing Committee.

vi) The Acceptance in Lieu Scheme and Private Treaty Sales

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.

a. The Acceptance in Lieu Scheme

The Acceptance in Lieu Scheme enables pre-eminent works of art and archives, and those that make a significant contribution to buildings in which they are housed, to become public property so that they are secure for the enjoyment and inspiration of all both now and in the future. A wide range of items was accepted during the financial year 2007-08, including groups of chattels from properties owned by the National Trust, including West Wycombe, Nostell Priory, Sissinghurst Castle and Dunham Massey. Paintings by Turner, Burne-Jones and Rossetti and an important portrait of the philosopher David Hume by Allan Ramsay were also saved, as well as a rare work by the Venetian painter Carlevarijs. Full details of all the works of art and the archives accepted through the scheme in 2007-08 and in the previous five years can be found on the MLA website at www.mla.gov.uk

b. Private Treaty Sales

If a heritage object is sold on 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 the amount that he or she would have received at the agreed market value, net after tax, but also receives a *douceur* (usually 25 per cent) of the tax that would have been chargeable. The purchaser normally pays what would have been paid under normal arrangements, less a proportion of the tax (usually 75 per cent) that would have been chargeable.

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 original Waverley Committee therefore recommended the creation of a widely representative Advisory Council, which would meet from time to time, as circumstances might require, to discuss matters of common interest and the operation of the system as a whole. It was envisaged that the Council would advise whether the right standards were being applied to the different categories of objects, as well as enabling institutions, not least provincial ones, and the art trade to make their views known.

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

The Advisory Council is normally convened annually and met on 5 June 2007. The main issue discussed was the process of acquisition by public institutions of export deferred items.

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. However the Working Party had no major issues for discussion this year and instead considered its short agenda by email. The first item was the operation of the new technical standard for the submission of digital images as copies of manuscripts. It was concluded that it was as yet too early to reach a judgement as to how the new technical standard was operating and that this issue should be considered at the next meeting of the Working Party after the new standard has been in operation for a full year.

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 Grant 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.

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

i) The MLA/V&A Purchase Grant Fund

The MLA/V&A Purchase Grant Fund reported that 40 applications had been received in respect of manuscript acquisitions and, of these, 23 were

successful and received grants totalling £175,315, enabling purchases of over £600,000 to go ahead. Due to pressure on limited resources, 30% of all grants awarded were reduced from the sums requested and one grant was rejected.

ii) The MLA PRISM Grant Fund

The MLA PRISM Grant Fund supports the acquisition and conservation of material relating to all fields of the history of science, technology, industry and medicine. During 2007-08, it made four grants for the acquisition of manuscript and archival material, totalling £18,307.

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 2007-08, they made or committed 37 grants to 34 institutions totalling £134,298 from the Operating Fund and £65,000 from the Philip Larkin Fund.

iv) The Heritage Lottery Fund and National Heritage Memorial Fund

The Funds made awards for the purchase of archival and manuscript material totalling £1,599,000. Acquisitions supported included £954,000 towards the purchase by The Everton Collection Charitable Trust of the Everton Football Club Archive.

v) Acceptance in Lieu

The Acceptance in Lieu scheme is also an important means of retaining archival material within the UK. In the 2007-08 financial year, eight offers in lieu of tax were completed which involved archival material. The acceptance of these settled over £2.2 million of tax.

vi) 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 2007-08, 52 items were purchased by 32 different repositories as a result of notifications. However, there were 35 unsuccessful bids, as repositories were outbid or dealers had already disposed of material.

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

CASE STUDIES

Consideration of items by the Reviewing Committee 2007-08

There were 12,236 licence applications during the period 1 May 2007 to 30 April 2008, covering a total of 37,190 individual items. Of these, 32,330 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 18 (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 18 items which we considered, 17 met at least one of the Waverley criteria. These are listed below. We starred three of them (cases 12, 14 and 15) as a sign of their outstanding importance, to indicate that especially great efforts should be made to retain them in the UK.

Case 1: A 16th-century printed pamphlet by Henry Roberts (met third criterion);

Case 2: A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772 (met third criterion);

Case 3: A 13-bore silver-mounted flintlock gun (met third criterion);

Case 4: An oil sketch by Sir Peter Paul Rubens, *Meleager and Atalanta Hunting the Boar* (met second criterion);

Case 5: A pair of 18th-century bronze busts after the antique of *Geta* and *Plautilla* by Pietro Cipriani (met second and third criteria);

Case 6: A marble bust of *The Virgin Annunciate* by Domenico Guidi (met second and third criteria);

Case 7: A portrait by Pompeo Batoni, *Wills Hill, the Earl of Hillsborough, later 1st Marquess of Downshire* (met third criterion);

Case 8: A painting by Domenico Zampieri, *Pietà* (met second and third criteria);

Case 10: A 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 11: A portrait of *General Wolfe* by J S C Schaak (met third criterion);

Case 12: A copy of the warrant for the execution of Mary Queen of Scots (met first and third criteria, starred);

Case 13: A ledger kept by a 17th-century lead merchant in the Peak District (met third criterion);

Case 14: An early English brass astrolabe quadrant (met third criterion, starred);

Case 15: The Dering Roll (met first and third criteria, starred);

Case 16: A painting by Rembrandt van Rijn, *Portrait of a Man Laughing* (met second and third criteria)

Case 17: A Roman Baroque cabinet on stand by Giacomo Herman (met second and third criteria);

Case 18: A painting by John Thomas Seton, *Portrait of Alexander Dalrymple*.

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

Items found not to meet the Waverley criteria

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

Case 9: A painting by Roelandt Savery, *The Temptation of Saint Anthony*, 1617.

Further information and details of this painting can be found in the case histories below.

Items where the licence application was withdrawn following the case hearing

Of the 17 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 16: A painting by Rembrandt van Rijn, *Portrait of a Man Laughing*.

Items referred to the Secretary of State

Sixteen cases were referred to you and your predecessors and you accepted our recommendations on all of them. The aggregate value of the 16 items deferred was £15,285,787.

Items that were acquired

Of the 16 deferred items, the following eight were acquired by institutions or individuals in the United Kingdom. We welcome the retention within the UK of all three starred items.

Case 2: A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772 by Lancashire County Museums Service for £260,000 including £100,000 from The Art Fund, £92,000 from NHMF, £30,000 from the MLA/V&A Purchase Grant Fund and £30,000 from the Northwest Regional Development Agency;

Case 3: A 13-bore silver-mounted flintlock gun by the Royal Armouries for £115,000 including £57,500 from NHMF and £28,750 from The Art Fund;

Case 11: A portrait of *General Wolfe* by J S C Schaak by the National Army Museum for £300,000 including £80,000 from NHMF, £50,000 from the Garfield Weston Foundation, £25,000 from the Society of Friends of the National Army Museum and £15,000 from The Art Fund;

Case 12: A copy of the warrant for the execution of Mary Queen of Scots by Lambeth Palace for £72,485.50 including £23,000 from the Friends of Lambeth Palace Library, £20,000 from the MLA/V&A Purchase Grant Fund, £17,485.50 from NHMF, £7,000 from the Friends of the National Libraries and £7,000 from the Trustees of Lambeth Palace Library;

Case 13: A ledger kept by a 17th-century lead merchant in the Peak District by Derbyshire Record Office for £3,770 including £1,885 from the Friends of the National Libraries and £1,885 from the MLA PRISM Grant Fund;

Case 14: An early English brass astrolabe quadrant by the British Museum for £350,000 including £125,000 from NHMF, £50,000 from The Art Fund, and £110,000 from The British Museum Friends;

Case 15: The Dering Roll by the British Library for £192,500 including £100,000 from NHMF, £40,000 from The Art Fund, £10,000 from the Friends of the British Library and £10,000 from the Friends of the National Libraries;

Case 18: A painting by John Thomas Seton, *Portrait of Alexander Dalrymple* by National Museums Scotland for £137,500 including £55,000 from the National Museums Scotland Charitable Trust and £15,000 from The Art Fund.

The eight items purchased have a total value of £1,431,256 (value price at deferral), which represents nine per cent of the total value of objects placed under deferral.

Items where the licence application was refused during the deferral period following the owner's failure to confirm that he/she was willing to accept a matching offer

Case 17: A Roman Baroque cabinet on stand by Giacomo Herman

The one item refused has a total value of £1,084,500 (value price at deferral), which represents just over seven 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 seven items listed below. The fair matching price at which each item was deferred is given in brackets.

Case 1: A 16th-century printed pamphlet by Henry Roberts (£114,400);

Case 4: An oil sketch by Sir Peter Paul Rubens, *Meleager and Atalanta Hunting the Boar*, (£3,301,231.44);

Case 5: A pair of eighteenth-century bronze busts after the antique of *Geta and Plautilla* by Pietro Cipriani (£650,000);

Case 6: A marble bust of *The Virgin Annunciate* by Domenico Guidi (£1,500,000);

Case 7: A portrait by Pompeo Batoni, *Wills Hill, the Earl of Hillsborough, later 1st Marquess of Downshire* (£2,200,000);

Case 8: A painting by Domenico Zampieri, *Pietà* (£3,044,000);

Case 10: A 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* (£1,960,400).

The seven items for which export licences were issued have a total value of £12,770,031.44, which represents just under 84 per cent of the total value of objects placed under deferral and 44 per cent in number.

Unresolved cases from 2006-07

At the time of writing our last Report, there was just one unresolved deferral: a painting by Alonso Sánchez Coello, *The Infante Don Diego*. A decision on the export licence was deferred until the outcome of the investigation by HM Revenue & Customs into information provided to the Committee had been concluded. This investigation is ongoing.

TABLE 1

The statistics below show the figures for the number of cases from 1998-99 to 2007-08

(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 (£ millions)	(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 (£ millions)
1998-99	20	17	9	53	2.5	8	47	21.0
1999-2000	18	13	10	77	4.5	3	23	5.0
2000-01	37	34	27	79	6.6	7	21	12.6
2001-02	34	30 ¹	25	83	7.5	5	17	11.4 ²
2002-03	26	23	14	61	51.7	9	39	23.2
July 2003- April 2004	18	9	7	78	6.8	2	22	1.0
2004-05	32	25	15	60	16.2	10	40	30.2
2005-06	22	17	9	53	8.3	8	47	7.3
2006-07	28	19 ³	14 ⁴	74	11.8	4	21	10.7
2007-08	18	16	9 ⁵	56	2.5	7	44	12.8
TOTALS	253	203	139	68	118.4	63	31	135.2

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

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

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

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

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

TABLE 2

The statistics below show the figures for the values associated with cases from 1998-99 to 2007-08.

(1) Year	(2) Cases where a decision on the licence application was deferred	(3) Value of items in (2) (£ millions)	(4) No of cases where items were acquired by institutions or individuals in the UK ⁶	(5) Value (at deferral) of items in (4) (£ millions)	(6) Value of items in (4) as % of (3) (£ millions)	(7) Cases where application was refused or withdrawn after announcement of Secretary of State's decision	(8) Value of items in (7) (£ millions)
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 ⁷	18.9	22 ⁸	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 ⁹	24.5	12	7.0	29	3	4.8
2007-08	16	15.3	8	1.4	9	1	1.1
TOTALS	203	255.6	117	80.4	31.5	26	39.5

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

⁷Excludes 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.

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

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

PART II: Operation of the Control

During the period covered by this report (1 May 2007 to 30 April 2008), there were 12,236 applications for export licences, covering a total of 37,190 items. This included 1,444 applications for manuscripts, documents or archives. Of these 37,190 items, 32,330 items with a value of £2,111,129,690 were licensed after they had been referred to expert advisers. 14,333 items, with a value of £6,297,615,224 were licensed after the Export Licensing Unit was satisfied that they had been imported into the United Kingdom within the past 50 years. 1,281 of these items were manuscripts, documents or archives. Sixteen Open Individual Licences were issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives. 2,707 items, with a value of £1,840,307,871 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, 28 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, 10 were withdrawn before they reached the stage of consideration by us. Accordingly 18 cases were considered at eight 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) (£ millions)	(6) No of cases in (3) where items were licensed for permanent export	(7) Value (at deferral) of items in (6) (£ millions)	(8) Percentage of cases in (3) where a licence for permanent export was eventually granted
1998-99	20	17	9 ¹	2.5	8	21.0	47
1999-2000	18 ²	13	10 ³	4.5	3	5.0	23
2000-01	37 ⁴	34	27 ⁵	6.6	7	12.6	21
2001-02	34 ⁶	30 ⁷	25 ⁸	7.5	5 ⁹	11.4	17
2002-03	26	23	14 ¹⁰	51.7	9	23.2	39
2003-4 (1 July - 30 April)	18 ¹¹	9	7	6.8	2	1.0	22
2004-05	32 ¹²	25	15	16.2	10	30.2	40
2005-06	22 ¹³	17	9	8.3	8	7.3	47
2006-07	28	19 ¹⁴	14 ¹⁵	11.8	4	10.7	21
2007-08	18 ¹⁶	16	9 ¹⁷	2.5	7	12.8	44
TOTALS	253	203	139	118.4	63	135.2	31

¹ Including one case where the licence application was withdrawn during the deferral period.

² 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.

³ Including four cases where the licence application was withdrawn during the deferral period.

⁴ A further five cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

⁵ Including four cases where a licence application was withdrawn during the deferral period.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ A licence was issued for a further item, but a UK institution subsequently purchased the item.

¹⁰ Including two cases where a matching offer was refused and the Secretary of State therefore refused an export licence.

¹¹ 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.

¹² A further 15 cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

¹³ 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.

¹⁴ 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.

¹⁵ Including two cases where the licence application was withdrawn during the deferral period.

¹⁶ Including one case where the licence application was withdrawn before the Committee's recommendation was made to the Secretary of State. A further 10 cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

¹⁷ Includes one case where the owner failed to confirm at the end of the first deferral period that he/she was willing to accept a matching offer from a UK purchaser and the Secretary of State subsequently refused an export licence.

Individual export cases

Case 1

A 16TH-CENTURY PRINTED PAMPHLET BY HENRY ROBERTS

This first edition printed pamphlet, *Lancaster his Allarums, honourable assaultes, and Supprising of the Block-houses and Store-houses belonging to Fernand Bucke in Brasill* by Henry Roberts and dated 1595 measures 18.4 x 12.7 cm. It is illustrated with two woodcuts and tells the story of a sea voyage to Brazil undertaken by Sir James Lancaster in 1594.

The applicant had applied to export the printed pamphlet to the USA. The value shown on the export licence application was £114,400, which represented the auction price of £105,600, plus dealer's commission of £8,800.

The Head of British Collections 1801-1914 at the British Library, acting as expert adviser, had objected to the export of the pamphlet 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 sixteenth-century maritime history.

The expert adviser stated that this very rare account of an expedition by Sir James Lancaster in 1594-5 to raid Portuguese possessions in the Canary Islands and Brazil related to one of the most crucial periods in British maritime history, a period which also had a formative influence on the development (and myth) of national identity. Between 1580 and 1640, Portugal was absorbed by Spain, England's bitter enemy. The text, published soon after the return of the fleet, provided a detailed and vivid first-hand description of the fitting out of ships and their crew, the incidents of the voyage, the adventures of the seamen, and the battles which they fought with the Portuguese.

She went on to state that this was the sole edition of *Lancaster his allarums* prior to its republication in 1940 by the Hakluyt Society. Until this present copy was discovered in the library of the Earls of Macclesfield,

where it had probably been for the past 300 years, only two copies were known; both of these were already in institutional libraries in the USA.

In a supporting statement the Head of Library and Manuscripts at the National Maritime Museum said that Lancaster could be considered among the great pioneers building Britain's economic empire with his contemporaries, Drake, Raleigh, Hawkins and Frobisher.

The applicant agreed with the expert adviser that the pamphlet met the Waverley criteria.

We heard this case in June 2007 when the pamphlet 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 £114,400. 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.

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

Case 2

A CARVED AND MARQUETRY BOOKCASE SUPPLIED BY GILLOWS OF LANCASTER TO MRS HUTTON RAWLINSON, 1772

The bookcase, which measures 208 x 127 x 65cm is made largely of mahogany. This highly ambitious piece of furniture, ornamented with both carving and marquetry, is an exceptionally early, fully documented product of the Gillow firm, made for the widow of a substantial Lancaster merchant.

The applicant had applied to export the bookcase to the USA. The value shown on the export licence application was £285,000, which represented an estimated value.

The Keeper, Furniture, Textiles and Fashion Department at the V&A, acting as expert adviser, had objected to the bookcase's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the Lancaster firm of Gillows and the operations of the furniture trade.

The expert adviser said that research had revealed that the bookcase was made by Gillows of Lancaster in 1772 for the prosperous Quaker widow, Mary Hutton Rawlinson, née Dilworth (1715-1786). Her husband Thomas Hutton Rawlinson (1712-1769), the son of a Lancashire ironmaster, had himself been a successful West Indies merchant, trading from the port of Lancaster. Indeed he and later his son Abraham were the principal Lancaster importers of mahogany, which they supplied to Gillows. Gillows' 'estimate book' recorded that this 'Elegant Bookcase' had been made in July 1772 for the use of 'Mrs. Hutton Rawlinson or her Daughter', who was not named. The bookcase was passed down through the family.

The expert adviser went on to say that the prime importance of the bookcase lay in the discovery of the detailed account for its manufacture in the Gillows Archive. So precise was the account – recording, for instance, the use of mahogany veneer on the inside surfaces of the lower section ('finears within the Bottom part') as against solid mahogany in the upper section, the '16 Leaves of Gold & Size' (traces of which have been found on the glazing bars), and the exact number of hinges, screws, bolts and escutcheons deployed – that the bookcase could be securely identified from this written description alone. The attribution to Gillows was endorsed, however, by comparison with two other documented pieces. A chest-of-drawers made for the Duke of Dorset in June 1772 had very similar marquetry on the canted corners. It also had identical drawer-handles.

A less direct but in some ways more interesting comparison could be made with a mahogany bookcase that had the same pattern of gadrooned bracket feet: this was signed by 'Taylor', seemingly William Taylor, partner in the London firm of Gillow & Taylor, which was established in 1769. The other partner, Thomas Gillow, was cousin to the Gillow brothers who, in the same year, took on the direction of the Lancaster firm (and were later to take over the London practice too). The two firms clearly exchanged ideas as well as materials and finished cabinet wares during the short-lived Gillow & Taylor partnership.

The bookcase under consideration was an unusually early documented example of Gillows furniture, made about 40 years after the establishment of the Lancaster firm by Robert Gillow I (1702/3-1772). It was his sons, Richard (1733-1811) and Robert II (1746/7-1795) who from the late 1770s expanded the thriving Lancaster firm, already catering to the local gentry and industrialists, to become one of the leading metropolitan upholsterers of the 19th century, attracting a wide-ranging clientele that embraced the aristocracy and the middle classes. Much was known of Gillows' activity in this later period. However, very little of their pre-1790 production was accredited, let alone fully documented like this piece. The bookcase was all the more important for the intimate connection of its original owner with Lancaster – and indeed with Gillows: the strong likelihood was that it was made of mahogany imported by the Rawlinsons themselves.

The Gillows account was significant not just as a record of the maker and original owner of this piece of furniture, but in addition for its evidence of the operations of the furniture trade, instanced in this bookcase. Furniture historians have frequently pronounced, but can rarely demonstrate, that 18th century tradesmen distinguished the extra costs incurred in the use of especially good materials or refined execution. Here was shown proof: the use of inlay in an object otherwise 'like the Sketch' was noted, together with the 'Extra Cha[rge] for Extraordinary finers [veneers]'. We also learnt that

the carving and marquetry were subcontracted to two other Lancaster cabinet-makers, Thomas and John Dowbiggin. The fact that both tasks, 'Carv^s & Inlaying' – and by implication also the gilding – were carried out by each of them was notable, and may have reflected a difference in furniture making practice between London (where it seemed that there generally was greater division of labour) and most provincial towns.

The combination of carving and marquetry in one piece of furniture was in itself unusual, and quite exceptional for Gillows, who seemed to have made minimal use of either technique in their 18th-century output. Such conspicuous ornamentation was also surprising in a commission from a member of the Society of Friends. Clearly this object opened up a wide variety of questions for the study of taste as well as trade and manufacture. It also had an unusually significant place in the social and commercial history of Lancaster.

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

We heard this case in July 2007 when the bookcase 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 £260,000 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 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 bookcase by Lancashire County Museums Service. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the bookcase had been purchased by Lancashire County Museums Service

for display at the Judges' Lodgings Museum in Lancaster, with assistance from The Art Fund, the National Heritage Memorial Fund, the MLA/V&A Purchase Grant Fund and the North West Regional Development Agency.

Case 3 **A 13-BORE SILVER-MOUNTED FLINTLOCK GUN**

The gun is fitted with a fine earlier Turkish matchlock barrel 123.2cm long, with a lobed silver-inlaid bulbous muzzle, engraved fore-sight, and breech section decorated with arabesques, tulips and flower-heads on a silvered ground and struck with a mark. The butt-plate is dated 1688 and inscribed '*The Barrell Made By Moore Or Turk/ Crisp Made Ye Rest All English Work/ Ye Silver Tried Without Deceit*' and '*Ex Dono Georgy Baron Dartmouth/ Apud Spithead*'.

The applicant had applied to export the gun to the United States. The value shown on the export licence application was £115,000, which represented the price at which the present owner had agreed to sell.

The Curator of Arms and Armour at the Wallace Collection had objected to the gun'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 English gunmaking and silversmithing.

The expert adviser, the Head of Conservation at the Wallace Collection, considered that the gun met all three of the Waverley criteria. The firearm was closely connected with the invasion of William of Orange in 1688, a turning point in British history. Unusually for such items, its early provenance was known, although there was scope for further research into its history and the circumstances of its commissioning from the Gunmaker to Ordnance and Furbisher, Tower of London (1680-1707), Henry Crisp. It was known

that it had been commissioned by George Legge, 1st Baron Dartmouth, who was a key supporter and friend of King James II, as well as being commander-in-chief of the Royal Navy in 1688. He died in the Tower of London in 1691. The expert adviser argued that the gun's history was therefore inextricably bound up with the events of the Glorious Revolution and the career of James II.

The expert adviser said the weapon was the earliest and one of the finest English silver-mounted long-guns in existence, an object of exceptional elegance in form and decoration, strongly demonstrative of the aesthetic environment of England and English art in the late seventeenth century. At this time even fine-quality English guns were more usually mounted in iron, so this example being mounted in silver was of the greatest rarity; it carried the earliest recorded English silver hallmark of any firearm known.

He went on to state that this firearm was also relevant to the studies of English gunmaking, silversmithing and decorative art in general. Its construction incorporated the earliest known example of the use of silver mounts on a long-gun in England, and it was also highly unusual in that it had been built around an earlier, Turkish, barrel. This exquisite silver-inlaid barrel might well have been acquired or captured by George Legge himself; whatever its story, its use in a gun of this quality clearly held great personal significance for him. The fact that the maker then inscribed the butt-plate with a rhyming couplet was highly unusual and evocative, showing both Crisp's sense of humour and his pride in his own craftsmanship: *The Barrell Made By Moore Or Turk/Crisp Made Ye Rest All English Work.*

Although the applicant did not disagree that the gun met the first Waverley criterion, his view was that its importance was much diminished by the fact that the inscription on it only identified the donor and not the recipient or the reason for its presentation. A silver-mounted flintlock gun with a complete and more impressive history recorded on the barrel was already in the collection of the Royal Armouries as

was another, more important flintlock gun of similar type and date. He went on to cite other late seventeenth-century guns superior to the Crisp gun in UK public collections. The applicant disagreed that the gun met the second or third Waverley criteria.

We heard this case in July 2007 when the gun 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 £115,000. 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 deferral period should be extended by a further three months.

We were subsequently informed that the gun had been purchased by the Royal Armouries with assistance from the National Heritage Memorial Fund and The Art Fund.

Case 4 **AN OIL SKETCH BY SIR PETER PAUL RUBENS, MELEAGER AND ATALANTA HUNTING THE BOAR**

The painting, which measures 25.2 x 52 cm, is oil on oak panel. The painting is a depiction of the mythological hunt as recounted by Ovid. Rubens' vigorous composition portrays the dramatic moment when Meleager, Atalanta and the hounds all attack the boar.

The applicant had exported the painting to the USA in error, believing it to have been imported into the UK within the last 50 years. DCMS had commissioned a condition report to ascertain if the painting would be able to travel back to London to be considered by the Reviewing Committee. The condition report did conclude that, although fragile, the painting was in a stable condition. The recommendation was that it could travel with appropriate safeguards. The owner,

however, decided that this was too great a risk to the painting. He was not prepared to allow it to travel across the Atlantic. A reduced, but quorate, Reviewing Committee therefore went to New York to hold the meeting and view the painting there. All related costs were covered by the applicant as they acknowledged responsibility for the mistake.

The value shown on the export application was £3,301,231.44 which represented the auction price of £2,800,000 plus VAT on the auction price of £140,028 plus the buyer's premium of £344,000 and VAT of £17,203.44 payable on the premium.

The Senior Curator, the National Gallery, acting as expert adviser, had objected to the export of the oil sketch of *Meleager and Atalanta Hunting the Boar* under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

The expert adviser stated that although British collections are rich in works by Rubens, our public collections have only one very sketchy representative (National Gallery *Lion Hunt*, 1613) of a major genre in his production, the hunt. This painting is a brilliant summation of the artist's lifetime exploration of animals and humans in conflict.

He went on to explain that the sketch was a vigorous yet resolved template for a larger painting commissioned by Philip IV of Spain, now lost. Hunts were a major theme in Rubens' production and with their mythic and heroic associations, these subjects were eagerly sought across the courts of Europe.

The expert adviser went on to state that *Meleager and Atalanta Hunting the Boar* represents Rubens' most lyrical and pictorial treatment of a theme which he originally conceived as a crowded relief but ultimately depicted in an understated circular composition which exemplifies the controlled energy. In his view the sketch was a masterly display of a genre that went on to inspire artists as diverse as Watteau and Delacroix.

The applicant did not agree that Rubens' oil sketch *Meleager and Atalanta Hunting the Boar* met the Waverley criteria. In relation to the first Waverley criterion, the context of the painting's original execution was unknown. It was subsequently selected in 1639 by Rubens for inclusion as part of a commission of works by the Cardinal Infante Ferdinand on behalf of Philip IV of Spain, as a *modello* for a larger painting of the *Calydonian Boar Hunt* for the king's summer apartments in the Alcázar.

There is no known early link with this country, and the date of its arrival in Britain is unknown. It is first recorded in the country on its sale from the Lake collection in 1845, and subsequently passed through two other owners, one of whom exported it to France, where it was acquired in Paris by Sir Francis Cook in 1868. Except by virtue of its being a part of a British collection, it has no link with the history of Britain and its historical significance lies instead in its being a *modello* for one of the paintings in the Alcázar destroyed in the fire of 1734.

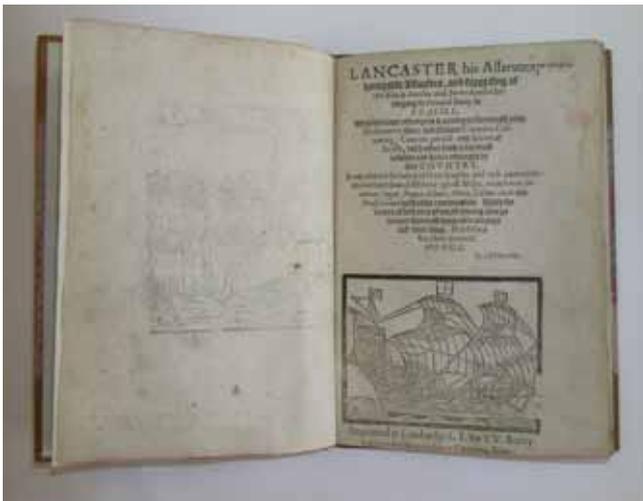
The applicant said that there were a great number of works by Rubens in British public and open private collections, including pictures commissioned by British patrons, most notably Kings James I and Charles I.

Regarding the second Waverley criterion the applicant agreed that the painting was a very beautiful image and of very great quality, but considered that the importance of this sketch within Rubens' oeuvre was arguable. It is a *modello* rather than a completed work, and although it formed part of a Spanish royal commission, it was not conceived as such. The commission consisted of a group of largely heterogeneous works thought to have been assembled by Rubens mostly from independently created works put together on an ad hoc basis, rather than conceived and designed by him as a unified decorative cycle. It was therefore not of the aesthetic importance of sketches for, by example, the Whitehall ceiling, the Marie de'

Plate I: A 16th-century printed pamphlet by Henry Roberts

Plate II: A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772

Plate III: A 13-bore silver-mounted flintlock gun



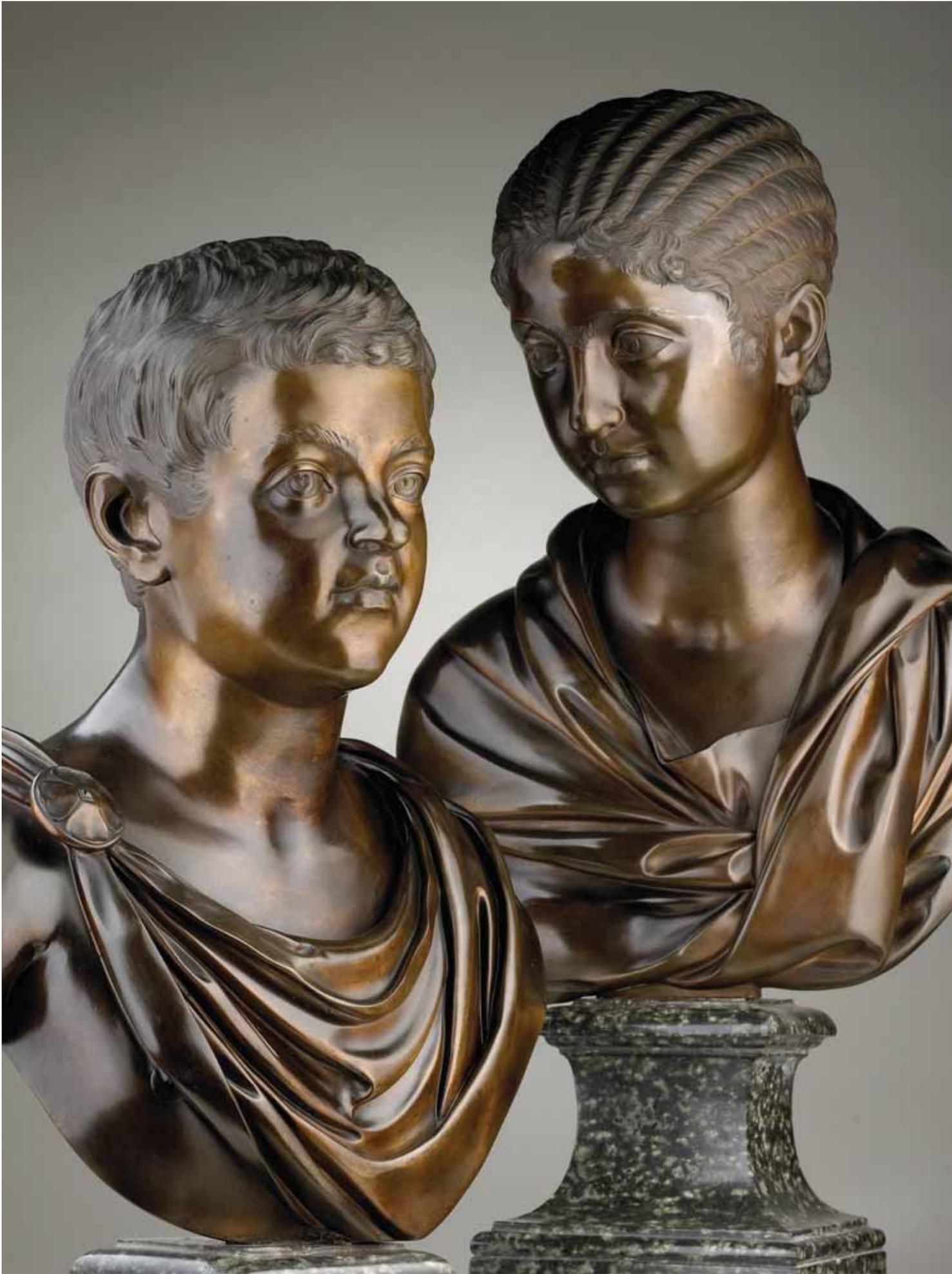




Plate IV: An oil sketch by Sir Peter Paul Rubens, *Meleager and Atalanta Hunting the Boar*

Plate V: A pair of eighteenth-century bronze busts after the antique of *Geta and Plautilla* by Pietro Cipriani

Plate VI: A marble bust of the *Virgin Annunciate* to Domenico Guidi

Plate VII: A portrait by Pompeo Batoni, *Wills Hill, the Earl of Hillsborough, later 1st Marquess of Downshire*





Plate VIII: A painting by Domenico Zampieri, *Pietà*

Plate IX: A painting by J M W Turner, *Lake of Lucerne, from the Landing Place at Fluelen, looking towards Bauen and Tell's Chapel, Switzerland*

Plate X: A portrait of General Wolfe by J S C Schaak





Plate XI: A copy of the warrant for the execution of Mary Queen of Scots

Plate XII: A ledger kept by a 17th-century lead merchant in the Peak District

Plate XIII: An early English brass astrolabe quadrant

Plate XIV: The Dering Roll





Plate XV: A Roman Baroque cabinet on stand by Giacomo Herman

Plate XVI: A painting by John Thomas Seton, *Portrait of Alexander Dalrymple*



Medici cycle or even the Torre de la Parad pictures, of which the ex-Wernher collection sketch by Rubens acquired for the Prado in 2000 (case 5 2000-2001) was an example.

Furthermore the applicant stated that Rubens is well known as a relatively prolific artist. There are approximately 200 paintings by Rubens in collections throughout the country, including all the major galleries and many National Trust and private houses open to the public. Rubens' work has been studied to a vast extent over the years. This picture has never been seen as a work of particular academic importance within Rubens' oeuvre.

We heard this case on 14 August 2007 when the painting was shown to us. We found that it met Waverley criterion two. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £3,301,231.44. 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.

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

Case 5

A PAIR OF 18TH-CENTURY BRONZE BUSTS AFTER THE ANTIQUE OF GETA AND PLAUTILLA BY PIETRO CIPRIANI

The busts are early eighteenth-century bronze casts after antique marble sculptures of third century CE in the Grand Ducal Gallery at the Uffizi in Florence (inv. nos. 1914.n.226 and 1914.w.218), and portray two victims of Emperor Caracalla. The male bust, which measures 46.5 cm in height, shows his brother, Lucius Septimius Geta (189-211 CE), the younger son

of Emperor Septimius Severus. He served briefly as governor of Britain at York, but was murdered by Caracalla in February 211 CE, probably because he was seen as a dangerous rival. The female bust, which measures 62 cm in height, represents Publia Pulvia Plautilla (d. 212 CE), who was the daughter of Gaius Fulvius Plautianus, commander of the praetorian guard, and who married Caracalla in 202 CE. After her father's execution, however, she was banished by her husband, who arranged her murder soon after Geta had been killed, probably because she was seen as one of his associates.

The applicant had applied to export the busts to the USA. The value shown on the export licence application was £650,000 which represented an estimate.

The Senior Curator, Sculpture, Metalwork, Ceramics and Glass at the V&A, acting as expert adviser, had objected to the busts' 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 eighteenth-century baroque bronzes.

The expert adviser informed us that the busts were cast by Pietro Cipriani, who in 1709 had assisted the great Florentine bronze sculptor Massimiliano Soldani-Benzi (1656-1740) in the casting of bronze copies of antique statues for the Duke of Marlborough for Blenheim. Soldani was the greatest bronze caster in Europe in the baroque period, his studio being located in the Uffizi. Cipriani also became a master bronze caster, and was working independently of Soldani by the 1720s, supplying copies of antique sculptures in bronze and plaster to numerous British visitors to Florence, including Horace Walpole.

The expert adviser considered the busts to be outstanding examples of bronzes cast in early eighteenth-century Florence, made by an artist whose close connection with Soldani testified to his expert casting methods, as well as his mastery of chiselling and patina. Cipriani's bronzes clearly depended from

the antique prototypes, but the degree of sensitive finish of the surface of the bronzes, particularly seen in the hair, eyebrows, crisp togas, and the fine golden patina and reflective surfaces of the faces, were distinctive 18th-century qualities, recalling contemporary goldsmiths' work. Geta's childlike face had chiselled eyebrows and lips, and even the whites of the eyes were carefully worked. Plautilla's head was tilted downwards, and her melancholy youthful look seemed to encapsulate her tragic story. Her stylised coiffure, her hair plaited at the back, and her joined eyebrows were again sensitively chiselled. The bronzes were fixed to their original square mottled green verde di Prato marble socles.

The expert adviser stated that the busts were commissioned from Cipriani in 1722 for Thomas Parker, 1st Earl of Macclesfield (1666-1732) by his son, the Hon. George Parker (c. 1697-1764), who was on the Grand Tour from 1719 to 1722, and who spent the winter of 1721-2 in Florence. The artist was commissioned to cast life-size bronze copies of two antique statues, the Medici Venus and the Dancing Faun, at the same time as the busts. All four bronzes were intended for display in the gallery being constructed at Shirburn Castle, Oxfordshire, which Lord Macclesfield had bought in 1716. An eminent lawyer and Whig politician, he was Lord Chief Justice from 1710 to 1718, and Lord Chancellor from 1716 to 1724. In 1725 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 Shirburn Castle, where he is buried. The busts were owned by descent through the family until bought by the present owners after the Christie's sale in London in December 2005.

The expert adviser added that although the two busts worked well as pendants both visually and in terms of their subject matter – two young people both callously murdered by Caracalla, who was the husband of one, and the other's brother – Lord Parker had originally wanted to obtain a cast of a bust of the beautiful youth Antinous as a companion to that of Plautilla. The antique busts of Geta and Plautilla were similar

in date and style to one another, and were displayed together, but were probably not designed as a pair. The bust of Geta was substituted for that of Antinous, perhaps an attractive alternative for Lord Macclesfield, given the subject's historical connection with Britain, as governor of York. Permission for the casting was granted by their owner, Duke Cosimo III de' Medici (1642-1723), on the understanding that the plaster moulds were not to remain in Florence, so that the original classical sculptures could not be widely reproduced. The antique busts were somewhat larger than the bronzes; the Geta was 52 cm. high, and the Plautilla 65 cm. high, since the process of casting would have caused a slight shrinkage.

The expert adviser considered that Lord Macclesfield's bronzes at Shirburn Castle were highly prized from the time of their acquisition, being shown in a gallery specifically constructed for their display at his country seat, an exceptionally early example of a sculpture gallery in this country. These busts epitomised the passion eighteenth-century British collectors felt for classical sculpture. Acquired on the Grand Tour, specially commissioned from one of the most experienced and accomplished bronze casters in Italy at the time, these were eighteenth-century bronzes of the highest order, acquired for one of the foremost and earliest collections of copies after classical sculpture in Britain.

The applicant did not disagree that the Cipriani busts under consideration met the Waverley criteria.

We heard this case in September 2007 when the bronze busts were shown to us. We found that they met Waverley criteria two and three. 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 £650,000 (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 deferral period should be extended by a further three months.

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

Case 6

A MARBLE BUST OF THE VIRGIN ANNUNCIATE BY DOMENICO GUIDI

This monumental bust shows the Virgin Annunciate receiving the news of the Incarnation from the angel Gabriel. The Virgin's head is turned to her left and looks meekly downwards. Her left hand is pressed to her breast and she holds a book in her right hand. Her head-dress billows out behind and some of the drapery of her robe is tucked up over her left arm. The full folds of her robe follow the swing of her body as she appears to turn away from the announcing angel.

The bust is 89 cm high, carved in Carrara marble and attributed to Domenico Guidi (1628-1701).

The applicant had applied to export the sculpture to Liechtenstein. The value shown on the export licence application was £1,500,000 which represented a private treaty contract.

The Senior Curator, Sculpture, Metalwork, Ceramics and Glass Department, at the V&A, acting as expert adviser, had objected to the 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 Italian baroque sculpture in historic British collections.

The expert adviser said the marble was purchased by Charles, 8th Baron Kinnaird of Inchture (1780-1826) probably in 1822 in Rome. Lord Kinnaird had been an avid collector, and housed his important collection of works of art at his seat, Rossie Priory, Inchture, in Perthshire, which he had started building in 1807. The sculpture was one of the core pieces from the collection. Although by the late nineteenth century it was displayed in the library, it may have once been

shown in the great sculpture gallery built by the 8th Baron, which was demolished in the 1950s.

The expert adviser explained that from at least 1890 onwards the sculpture was ascribed to Gianlorenzo Bernini (1598-1680), and was displayed in the library at Rossie Priory. A H Millar had written, 'The statuary in the library consists of... an exquisite piece of sculpture in the pure Carrara marble, toned with age, representing the half-length draped figure of a female saint, which was formerly fixed to the wall of a church near Rome, and is attributed to Bernini.' In 1939 the bust was still in the library at Rossie Priory, and had been described in a contemporary guidebook: 'In the library, a glorious apartment, there is some rare sculpture, including a Seventeenth Century bust by Bernini...'

The more likely author of this bust was in fact Domenico Guidi, Algardi's favourite pupil, who was the leading sculptor in Rome after Bernini's death in 1680. The handling of the drapery and hair in particular recalled some of Guidi's finest works, such as the St Apollonia in the church of Sta Maria degli Abbandonati at Torano, the sculptor's birthplace. The almost rectangular forms of the draperies were also comparable with the work of the contemporary Roman painter Carlo Maratta (1625-1713), and indeed a painting of the Virgin Annunciate by Maratta was owned by the sculptor; the two artists had been very close friends. In the *Zibaldone baldinucciano*, first published in 1691, reference had been made to a half-length figure of the Virgin Annunciate in Guidi's studio ('una mezza figura della Santissima Annunziata, qual'è ancora nel suo studio'). This same sculpture may have remained in the workshop until 1701, when Guidi was gravely ill, along with a second work of the same subject. A letter dated 19 February 1701 from padre Sebastiano Resta to Matteo Marchetti, who was in charge of Guidi's collection, noted that two sculptures of the Virgin Annunciate of three palms in height ('due nunciate di tre palmi') were for sale at 400 scudi each, even if the ladies (probably Guidi's daughter and servant) asked 1,000 for them

('le donne gridano mille'). A palm is 22.34 cm and so three palms would have meant these sculptures were approximately 67 cm high, somewhat smaller than the present piece. The early measurements may however have been inaccurate, and at the very least these documentary references demonstrated that Guidi produced sculptures of this subject and type. Both works were almost certainly documented once again in the inventory of 18 July 1702, after Guidi's death, where they had been described as unfinished ('Dui Mezze figure imperfette di marmo cioè la Madonna et un Angelo', and 'Un busto d'una Madonna non finito'). If one was to be identified with the Kinnaid Virgin, it may have been subsequently completed by one of Guidi's assistants.

The expert adviser thought this work was an outstanding example of Italian baroque sculpture. The handling of the marble was assured and sensitive, particularly on the hair and drapery, and this was typical of Guidi's manner. Although the work had been described as a bust, it was in fact a generous half-length figure of the Virgin which showed her gesturing arms and hands, and was a relatively unusual type. The uncompromising religious subject, redolent of spiritual emotion and expression, was an extraordinary piece to be brought back from Italy by a British visitor in the early nineteenth century.

The collection at Rossie Priory in Scotland was an exceptional and eclectic group of works of art. The 8th Baron Kinnaid, a close friend of Lord Byron, had acquired many important pieces, and this bust stood out as one of the finest. She said this work was probably the most important Italian baroque sculpture in a historic Scottish collection and was a work of the utmost rarity and quality.

The applicant did not disagree that the marble *Virgin Annunciate* met the Waverley criteria.

We heard this case in September 2007 when *Virgin Annunciate* was shown to us. We found that it met Waverley criteria two and three. We recommended

that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,500,000 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 three months.

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

Case 7

A PORTRAIT BY POMPEO BATONI, WILLS HILL, THE EARL OF HILLSBOROUGH, LATER 1ST MARQUESS OF DOWNSHIRE

The painting is oil on canvas and measures 227 cm x 161 cm. It is signed and dated Pompeius Batoni Pinxit, Romae Anno 1766. It depicts the Irish peer Wills Hill (1718-1793) standing alongside his wife's sarcophagus gazing mournfully at her portrait, while Hymen (or Hymenaeus), the personification of the Greek God of wedding ceremonies holds a nuptial torch before it. Wills Hill commissioned the pre-eminent portrait painter Pompeo Batoni in Rome in early 1766 a few months after the death of his wife.

The applicant had applied to export the painting to Rome. The value shown on the export licence application was £2,200,000, which represented an estimate with supporting documentation.

The Curator, Eighteenth and Nineteenth Century British Art, Tate, acting as expert adviser, had objected to the portrait's export under the first and third Waverley criteria on the grounds that as a portrait of the politician Wills Hill 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 this individual and his close connections to national politics and Irish history.

The expert adviser stated that Batoni was, from the 1750s until shortly before his death, the pre-eminent portrait painter in Rome specialising in portraits of those visiting Italy on the Grand Tour, particularly British visitors. This portrait was something of an exception in Batoni's oeuvre since it is the product of Hill's grief at the death of his wife. She had died, aged 37, in Naples in January 1766 a couple of months after they had arrived in late 1765 to try and restore her health. Wills Hill left Naples some weeks later, arrived in Rome in March 1766 when he sat to Batoni, passed through Florence in April-May and was back in England by early August.

Batoni was famous for his likenesses and also for his great studio skill in placing his sitters alongside some of those famous works of ancient classical sculpture which they had come to see. In this case Batoni shows a man in the midst of a personal tragedy but also an ambitious politician on the brink of a career which was to significantly and adversely shape Anglo-American relations over the next few years and, along with others, bring his country step by step closer to the War of Independence in 1775.

As well as emphasising the sitter's close connections to our past internal affairs of state, the expert adviser underlined Wills Hill's significant place in Irish history. Hill was from a long established Irish family. The Public Record Office of Northern Ireland (PRONI) in Belfast holds about 50,000 documents and volumes of the family's political and general correspondence from 1707-1868 and estate correspondence and legal and financial records of 1523-c.1953 relating to the Irish and English estates of the Downshire family.

In this archive there are approximately 600 letters and papers, 1774-1793, of Wills Hill. There are letters and papers from Hill's time in politics and in Cabinet and also about the management of his County Down estate. Hill rebuilt the family mansion, Hillsborough Castle. Since 1922 this has been owned by the British Government and from 1972 it has been the official residence of the Secretary of State for Northern Ireland: the Good Friday Agreement was signed there in April 1998.

The applicant disagreed that the portrait met any of the Waverley criteria. In his view although Batoni is a noteworthy artist, he cannot be regarded as an artist of UK cultural importance. Furthermore he believed that as the portrait, is of an individual and was commissioned privately, it cannot be regarded as being of outstanding national importance. Although the painting is a good example of Batoni's Grand Tour portraits, a superior example of the same date is already owned by the National Trust and on public view in the UK at Fyvie Castle: *Colonel the Hon William Gordon*. The applicant also made the point that as Batoni was so popular with British grand tourists there are records of over 200 portraits by him of British patrons visiting Rome. There are so many examples of Batoni's portraits in UK private and public collections that this portrait could not be considered a rarity in this country.

We heard this case in September 2007 when the portrait was shown to us. We found that it met Waverley criterion on three. 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 £2,200,000 (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 deferral period should be extended by a further four months.

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

Case 8

A PAINTING BY DOMENICO ZAMPIERI, *PIETÀ*

A devotional oil painting on copper of the *Pietà* with Joseph of Arimathea, dated 'M-DCIII' at lower left (1603). The dimensions of the painting are 52.4 x 39.1 cm.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £3,104,200 which represented the auction price plus buyer's premium and VAT on the premium.

The Senior Curator, 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 art history.

The expert adviser had stated that this was an exceptionally beautiful painting created by Domenichino in homage to his master, Annibale Carracci, and to the new style that he had forged in the immediately preceding years in Rome. He argued that, although the classical Baroque style today lacked the popularity of Caravaggio's realism, it was to have a far more profound impact on the art of succeeding centuries, and this painting represented a major early statement in its development. The impressive balance of colour and chiaroscuro endowed the painting with great presence, which could be fully appreciated owing to the very fine condition.

Following his studies with Ludovico Carracci in Bologna, Domenichino had moved to Rome in 1602 to join the team of artists working under Annibale at the Palazzo Farnese. The *Pietà*, dated the following year, was the

first of five paintings that Domenichino modelled on prototypes by Annibale in the succeeding decade: *Susanna and the Elders*, 1603 (Rome, Doria Pamphilj), *Madonna del Silenzio*, ca. 1605 (Paris, Louvre), *Adoration of the Shepherds*, 1607-08 (Edinburgh, National Gallery of Scotland), and a lost *Pietà* of 1611-12. In contrast with the National Gallery's *St Jerome*, painted shortly before and more under the influence of Ludovico, the *Pietà* was an early demonstration that the artist would succeed Annibale as the leader of the classical school of painting in Rome.

Domenichino's *Pietà* virtually reproduced the *Pietà with St Francis of Assisi* (Louvre), an altarpiece designed by Annibale before 1603, but not completed until 1607, largely with workshop assistance. The painting was intended for the Mattei Chapel in San Francesco a Ripa, Rome, which occasioned the inclusion of St Francis. In Domenichino's painting, this figure was replaced by Joseph of Arimathea, which perhaps reflected Annibale's initial conception, but more likely represented Domenichino's 'correction' to achieve dramatic and visual unity. Domenichino also extended the range and intensity of Annibale's austere colours to vivid effect. Exhibiting the artist's inclination toward restraint, the Virgin was quieter and less mournful, and the execution was meticulous.

Bolognese/Roman exponents of the classical style valued the imitation of 'perfect' representations of subjects and, as Annibale was the leader of the school, his works were especially esteemed. Annibale's design for the *Pietà* was considered one of his greatest by the theorist Giovanni Battista Agucchi, and Domenichino clearly concurred in this view. This painting was the first example of Domenichino's particular reverence toward and adherence to Carracci prototypes. The expert adviser said it was of great significance because it was one of the earliest examples of the authority of 'perfection'. It might also be considered the prime version of the composition because it was produced far earlier than its larger counterpart and clearly with Annibale's blessing.

The applicant did not consider that the *Pietà* by Domenico Zampieri met the Waverley criteria. In her view the lack of information about the painting's early history, together with its broken provenance whilst in the possession of the Earls of Yarborough meant that it was difficult to regard this work as closely connected with either our history or our national life. In relation to its aesthetic importance, the applicant acknowledged its excellent state of preservation but considered it a reduced copy after the large altarpiece by Annibale Carracci, *Pietci with Saint Francis*. Although there were alterations, most notably the substitution of Saint Francis with the figure of Joseph of Arimathea, the picture could not be regarded as an original composition by the artist. Nor, in the applicant's view, was it of outstanding significance for study as it provided no additional information on the composition of Carracci's altarpiece.

We heard this case in October 2007 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 £3,044,000 (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 deferral period should be extended by a further four months.

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

Case 9

A PAINTING BY ROELANDT SAVERY, THE TEMPTATION OF SAINT ANTHONY, 1617

The painting, which is oil on panel and measures 49.1 x 94 cm, depicts a wild, mountain wilderness with Saint Anthony in the shadows of the foreground.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £1,750,000, which represented an agreed sale price.

The Senior Curator, Netherlandish, Dutch and Flemish Art, National Gallery Scotland, acting as expert adviser, had objected to the painting's export under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

Roelandt Savery (Kortrijk 1576-1639 Utrecht) was born into a Dutch family of artists who were of Flemish extraction. As Anabaptists, Savery and his brothers would have been forced to leave their native Flanders in around 1580 to avoid Spanish persecution. By around 1585, the family had settled in Haarlem. Savery was trained there by his brother Jacob Savery I (c.1565-1603). After the latter's death, Savery went to Prague, where he worked for Emperor Rudolf II. He remained in Central Europe until 1613, by which time he was serving as court landscape painter to Matthias, Rudolf's successor. Savery returned to the Netherlands, staying in Amsterdam until 1619, at which time he moved to Utrecht. Savery never married. He produced little work in his last years, and died poor and mentally confused in Utrecht.

Savery was prolific, producing over 500 drawings and paintings. After his return to the Netherlands, he concentrated on paintings, creating flower-pieces, animal subjects and landscapes with an Alpine flavour. They are characterised by close observation and great originality.

The Temptation of Saint Anthony was painted four years after Savery's return to the Netherlands, while he was in Amsterdam. The sweeping panorama seen from a high viewpoint is typical of the Flemish landscape tradition in which the artist was trained. So, too, is the colouration, which fades from green to blue on the far horizon. But Savery also integrated what he would have seen during his ten-year sojourn in Central Europe. The tall trees and rocky, Alpine landscape were based on Savery's detailed studies of the Austrian Tyrol. This wild, mountain wilderness features a dramatic waterfall and plunging views into the far distance. Into this sweeping landscape, Savery added woodland plants and animals in extraordinary detail.

The actual subject of the painting is tucked into the shadows in the foreground to one side of the picture. St. Anthony Abbot, a Christian saint and hermit, was born in Upper Egypt in 251 AD. According to historical accounts, he lived to the astonishing age of 104. He lived in solitude in the wilderness for many years, where he was plagued by vivid hallucinations. Here, St Anthony is shown being tormented by 'temptations' in the form of demons.

The subject was unique in Savery's known painted oeuvre. Its conception was, however, consistent with several paintings that Savery produced after his return to Amsterdam of St Jerome, and was also close to a large group representing The Flood and Orpheus and the animals. These were characterised by the relegation of the main subject to a minor part in a fantastic, sweeping landscape that includes highly detailed renderings of flora and fauna.

The expert adviser reported that the condition of the painting was outstanding. Painted on a relatively large oak panel, the surface had remained fresh and the colours clear and bright.

In conclusion the expert adviser stated that this painting was a superb example of Savery's work. That having been said, she did not consider this to be a clear-cut case; whilst Savery was a prolific artist

whose work was important, it was not perhaps at the summit of Netherlandish painting. Furthermore, his work was already relatively well represented in British public collections including the National Gallery in London, the Fitzwilliam Museum in Cambridge, the Ashmolean Museum in Oxford and the Cooper Art Gallery in Barnsley. However, this was the finest landscape painting by Savery in Britain and the only significant example of his Alpine scenes in the country. Accordingly, it could be considered an object of outstanding aesthetic importance.

The applicant did not agree that the painting met the Waverley criteria. The painting was unknown to scholars before 1984 when it came to light. Its known provenance was that it had been in a Spanish collection in the 17th century. In relation to the second Waverley criterion the applicant considered that Savery's most important and artistically acclaimed works were those he painted in Prague at the Court of Rudolf 11 where he was based from 1604 until 1613. On his return to Amsterdam, Savery continued to paint themes that he had developed in the Prague years, often with refinement, but these works lack the aesthetic quality in terms of groundbreaking use of colour, structure or form, of those earlier works produced at the Rudolfine Court. As the applicant did not consider the painting to be outstanding in the context of the artist's work it followed that it did not have significance for the study of a particular branch of art, learning or history.

We heard this case in October 2007 when the painting was shown to us. We found that Savery's *Temptation of Saint Anthony* did not satisfy any of the Waverley criteria and recommended that an export licence be issued. An export licence was issued.

Case 10

A 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, which measures 66 x 99.1 cm, is watercolour with some scratching out on paper and is signed with the initials 'JMWT' in the bottom right. It shows the mountains encircling the village of Fluelen, 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 Jersey. The value shown on the export licence application was £2,000,282.50, which represented a private sale price.

The Curator of British Art at Tate Britain, 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.

This item had previously been before the Committee in May 2006 and had been found to meet the second Waverley criterion. On that occasion, the application had been withdrawn before the end of the first deferral period. A report of the case hearing was included in our Annual Report for 2006-07.

The expert adviser remained of the opinion that this painting was Turner's finest watercolour painting.

As previously reported the expert adviser considered that J M W Turner was Britain's most pre-eminent watercolour artist and *Lake of Lucerne, from the Landing Place at Fluelen* 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. Of these 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, and at the same time offered 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 Art 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’.

The expert adviser considered that the four watercolours exhibited in 1815 were conceived as a group, and said it has been convincingly argued 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 whilst 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 caught the eye and approval of many commentators. Later Ruskin 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 confirmed that, despite some slight fading, *Lake of Lucerne* had been preserved in exceptionally good condition.

The applicant did not agree that the painting met the Waverley criteria. In their opinion the painting was not connected with our history or national life as it was one of Turner’s many views of Lake Lucerne in Switzerland. Whilst the applicant did not dispute that this was an outstanding picture, they did not consider the painting to be of outstanding aesthetic importance in the context of Turner’s work. Furthermore they pointed out that there were many other paintings by Turner of the same scale and impact already in Britain’s museums. Finally, they did not agree that the painting was of outstanding significance for study as the subject of this work was already widely represented (they reported that eight of the 20 paintings of or from Lake Lucerne were in museums in the UK). In addition, of the 53 drawings of Swiss subjects, made during Turner’s Swiss tour of 1802, and subsequently to 1832, the applicant reported that 20 were already in museums in Britain.

We heard this case in October 2007 when the painting was shown to us. We found that it met the second Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,960,400 excluding VAT (£2,000,282.50 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 four months.

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

Case 11**A PORTRAIT OF GENERAL WOLFE
BY J S C SCHAAK**

The small but full-length portrait measures 35 x 30 cm. It was painted in oil on canvas by J S C Schaak c.1760.

General Wolfe is depicted in an attitude of command standing on the shore of the St Lawrence River as his troops scale the Heights of Abraham beyond. He is shown with unpowdered hair, wearing a tricorne hat with cockade and a plain red coat with a black armband indicating mourning for his father.

The applicant had applied to export the portrait to the USA. The value shown on the export licence application was £308,750, which represented the hammer price at auction plus the buyer's premium and VAT on the buyer's premium.

The 18th-Century Curator, National Portrait Gallery, acting as expert adviser, had objected to the portrait'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 material culture relating to the development of the eighteenth-century cult of the hero.

In the expert adviser's view the portrait under consideration was the most important portrait of General Wolfe. He was the victor of the Battle of Quebec and hero of the Seven Years War. His conquest of the city heralded the birth of the British empire and his death at the moment of victory earned him a reputation as a patriotic martyr that was unmatched by any British hero until Nelson.

Based on a drawing attributed to Harvey Smyth, Wolfe's aide-de-camp, and owned by Lt Col Henry Fletcher, who commanded the 35th Regiment at Quebec, this portrait is closely connected to the sitter and shows him at the moment of his most important contribution to British history.

Little is known about the identity of the artist J S C Schaak (fl.1760-70). He is listed as a portrait painter in Westminster in 1763 and is recorded as exhibiting at the Free Society of Artists and the Society of Artists of Great Britain. Of the sixteen signed works that have survived, all are portraits and date from 1762-70. Three show military figures – the 1766 *James Wolfe* and two equestrian portraits of unknown sitters. Two of his signed works are in public collections: *Charles Churchill*, c.1763-4, National Portrait Gallery, London (NPG 162) and *Matthew Boulton*, 1770, Birmingham Museum and Art Gallery, Soho House, Handsworth. To these may be added the bust-length portrait of Wolfe attributed to Schaak in the National Portrait Gallery, London (NPG 48).

Although the portrait is not signed or dated there is evidence to suggest that it was the first portrait of Wolfe to be publicly exhibited. In 1762, Schaak exhibited a 'small whole length of General Wolfe' at the Free Society of Artists, London.

The importance of Schaak's portrait is found in its close links to the subject and the moment depicted and the large number of engravings that derive from it. The news of Wolfe's death prompted the hasty printing of entirely fictitious portraits of the hero. The appearance of the Schaak type of portrait, published in the *Grand Magazine of Universal Intelligence* in 1760, was promoted as a remedy to the false portraits then in circulation.

The picture has a good provenance, remaining in the Fletcher family until 1966, after which point it was loaned to the National Trust and displayed at Quebec House, Wolfe's childhood home, between 1976 and 2006.

The applicant did not agree that the portrait met the Waverley criteria. He stated that there were numerous portraits of Wolfe and the best of these were already on display in public collections in Britain and Canada. He considered J S C Schaak an artist of relatively little merit who never portrayed Wolfe from life.

He believed the painting under consideration was one of probably three versions of the same picture.

We heard this case in October 2007 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 £300,000 (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 portrait, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the portrait by the National Army Museum. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the portrait had been purchased by the National Army Museum with assistance from The National Heritage Memorial Fund, the Garfield Weston Foundation, The Art Fund and the Society of Friends of the National Army Museum.

Case 12
A COPY OF THE WARRANT FOR THE EXECUTION OF MARY QUEEN OF SCOTS

The warrant is a two-page folio paper document, dated 1 February 1586/7, containing the text of the warrant for the execution of Mary Queen of Scots, annotated by Robert Beale, principal clerk to the Privy Council of Elizabeth I, and retained by Henry Grey, 6th Earl of Kent, one of the principal commissioners for the trial and execution.

The applicant had applied to export the document to the USA. The value shown on the export licence application was £78,525, which represented a conversion from a private treaty sale of \$145,000, plus a handling charge. The value was changed to £72,485.50 to reflect the exchange rate on the day of the sale.

The Head of Modern Historical Manuscripts at the British Library, acting as expert adviser, had objected to the document’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 execution of Mary Queen of Scots.

The expert adviser stated that the document was an integral part of a small archive concerning the execution of Mary Queen of Scots. The archive derived originally from the papers of the Earl of Kent and had subsequently become part of the collection of the celebrated antiquary and jurist John Selden (1584-1654) and had descended in the family of his executor, Matthew Hale, until the 1930s. The copy of the warrant was very probably an enclosure in the Privy Council letter to the Earl of Kent, ordering the enactment of the execution, which had also been part of the small archive that had been sold as a separate lot in the same sale as the warrant.

The expert adviser said that Mary Queen of Scots, with her claims to the crowns of Scotland and England, her beauty and charisma, disastrous marriages and love affairs, and years of imprisonment at Fotheringay with the plotting which surrounded them, had long been a heroine of popular history as well as a subject of major academic study. Her execution, ordered after great agonising by her much more politically adept cousin, Elizabeth I of England, was one of the best known and most dramatic events in British history, frequently depicted in historical narrative, fiction and art. The circumstances and documentation surrounding the issue of the execution warrant had been the subject

of close study in their own right. The expert adviser thought that by close study of the document's archival context and textual features it could be shown to be the primary surviving text of the warrant and to have played a real-life part in the drama of the execution.

The warrant was addressed as letters patent from Elizabeth I to the five commissioners, the Earls of Shrewsbury, Kent, Derby, Cumberland and Pembroke, who sentenced Mary. Reflecting the momentousness of the execution, Elizabeth's prolonged hesitation about it and the particular need for public justification, it set out in dramatic and emotional terms how the Parliament advised the Queen to carry out the execution and finally how the Queen gave way 'contrarie to our own naturall disposition' and 'condescended to suffer justice to take place'. It authorises the commissioners 'to repair to our Castell of Fotheringhaye, where the said queene of Scottes is in Custodie' and 'cause by your commaundement execution to be don vppon her person'.

No original of the warrant had survived. It was likely that it was deliberately destroyed in the aftermath of the execution, when the Queen reacted violently against all those involved. In its absence the copies of Robert Beale were the primary evidence of the outstanding historical text. The present document was in a professional secretary hand, with marks and annotations in black ink in Beale's distinctive hand.

As Clerk to the Council and 'a person of great trust and experience', Beale was the bearer of the Privy Council letter to the Earl of Kent, ordering the execution to proceed. The copy of the warrant before the Committee, which was preserved with the letter until their separate sale, was best accounted for as that provided by Beale and the Privy Council for Kent's retention, with the former's underlinings emphasising that the commissioners must now get on with the task. The connection was noted in the sale catalogue entry when the documents were sold together in 1946. Beale, along with the commissioners, then went on to Fotheringay, where the warrant was read aloud.

The expert adviser observed that, as one would expect with such a significant state document, there were other copies. Beale's own retained copy was preserved as part of a large compilation of his papers relating to Mary Queen of Scots. There were at least four other transcripts in contemporary or seventeenth-century compilations of state documents, but none with a close connection with the event itself. The present copy was the one with clearest evidence of having played a real life part in the drama.

The applicant argued that the manuscript did not meet the Waverley criteria. He said there were a number of extant contemporary scribal copies of the warrant, including three in the British Library, one of which was Robert Beale's own retained copy. Sotheby's also referred to a copy or copies in the National Archives.

Of the copies, Beale's retained copy (as distinct from the present document which was retained by the Earl of Kent) was probably the most important. Beale, clerk of the Council, was sent post-haste to show the warrant to the Earls of Shrewsbury and Kent and to give them their letters of appointment. It was Beale who read out the warrant at the execution. His copy of the warrant was bound in a highly important, quasi-official volume of letters and papers that he assembled concerning the conspiracies and plots involving Mary Queen of Scots, her trial, and her execution. It was this volume that contained the famous ink and pencil drawings, often reproduced, of the trial and the execution of Mary.

The applicant said the provenance of the present copy (6th Earl of Kent) was also interesting although there was some evidence that the text was not particularly good. When it had passed through Beale's hands he had added a 'facsimile' of Elizabeth's signature at the top, three cryptic marginal marks, and a docket. Someone had underlined references to 'you' and 'your' throughout. Details of the 'manner and forme' in which the execution was to be carried out were also underlined.

Collating the present copy with Harl. MS. 290 as printed in the *Calendar of State Papers, Scotland* revealed a number of verbal variants that did not really change the sense, but also:

This copy omitted 'Defender of the Faith' from the Queen's title, which was a very odd omission given that the purpose of the warrant was the execution of the Catholic Mary.

There was another careless omission: '... by these presents we doe will comaunde and authorise our Chancellelor of England at the requeste of you all and of everie of you [*"to cause" omitted*] the duplicat of these our letters patentes to be to all purposes duellie made dated and sealed with out greate Seale of Englande as these presents are'. Omission of 'to cause' destroyed the sense.

The applicant said it appeared that the scribe had not had his mind wholly on the task. He submitted that adding yet another copy of the execution warrant to the national collections was not a matter of such outstanding significance as to meet the Waverley criteria.

We heard this case in October 2007 when the manuscript was shown to us. We found that it met the first 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 £72,485.50. 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 warrant, 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 manuscript by Lambeth Palace Library. We were subsequently informed that the manuscript had

been purchased by Lambeth Palace Library with assistance from the Trustees of Lambeth Palace Library, the Friends of Lambeth Palace Library, the Friends of the National Libraries, the MLA/V&A Purchase Grant Fund and the National Heritage Memorial Fund.

Case 13 **A LEDGER KEPT BY A 17TH-CENTURY LEAD MERCHANT IN THE PEAK DISTRICT**

This large paper volume of narrow folio format records, in debit and credit ledger form, transactions by an unnamed merchant concerning the lead trade in the Peak District of Derbyshire, extending into Staffordshire and South Yorkshire, over a period of more than thirty years, 1668-1700. The content covers approximately 400 closely written pages, contained within the original vellum binding with brass clasps.

The applicant had applied to export the ledger to the USA. The value shown on the export licence application was £3,770, which represented a hammer price of £2,900, plus buyer's premium of £580 and dealer's commission of £290.

The Head of Modern Historical Manuscripts at the British Library, acting as expert adviser, had objected to the ledger's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the Peak District's history.

The expert adviser said the ledger was previously unknown and unstudied and there were no published references on record. She stated that it was the earliest surviving extensive record of the lead trade of the Peak District at a period when it was central to the economy of that region. It had a considerable importance in a national context as well, since it related to a period when over half the nationwide production of lead (a material of key importance, used for a range of products from domestic utensils to lead shot), came from that region.

Apart from brief references to William Cavendish's trade in the 1590s in private ownership at Chatsworth, this volume comprised the earliest known and certainly most extensive surviving record of the Derbyshire lead trade. With its prolific details of moneys paid or lent, quantities and prices of pigs or 'fodders' of lead purchased and the merchant-marks put on them, and the individuals and places involved, it provided much unique information about the organisation and conduct of the lead trade in the second half of the seventeenth century. The exceptional range of this volume was apparent from the closest comparable material to be identified: a much more limited 28 page set of accounts in the regional record office, kept by Lawrence Oxley, lead merchant of Chesterfield, between 1672 and 1681, in which the detailed accounts ended in 1678. The ledger would both complement Oxley's accounts (Oxley was one of the local names mentioned in it) and provide much more detailed material for research. Oxley, for example, recorded shipments of lead to London, but unlike the ledger, provided neither purchase nor transport costs. The ledger's dense day to day detail had much to reveal of the complex family-based and wider networks and ways of transacting business. As more records had hitherto been known to survive for lead mining than for its trade, this volume was of particular importance in helping to build up a more complete picture of the whole process.

The accounts were important for the period they covered, as well as for their extent and detail. They illustrated a key period of change in the industry. After the Civil War and the Restoration the rapid expansion of the lead industry was closely associated with social and political as well as economic developments in the region. A significant number of local landowning families had made their fortunes in the lead trade and this changed the pattern of older power structures in the county. However, by the 1660s many major landowners had withdrawn from the trade, retaining only investments in mines and mineral duties, and commerce was undertaken by a new generation of entrepreneurs and self-made men, of whom the compiler of these accounts appeared to have been an important example.

The context in which the potential of this volume for detailed study could be best realised was local and regional. The merchant (whom close study of the accounts and related records might serve to identify) had accounts with a large number of named suppliers, customers and founders. Many of these were clearly from local families known to have been involved in the lead trade (Hutchinson, Wigley, Fearn, Oxley, Spateman, Bagshaw, etc.). The most closely related records were all held regionally, from the parish registers and estate papers which would help to identify the many individuals mentioned more closely, and records of individual mines (for example those relating to Raventor lead mine in Wirksworth, c.1664 to c.1670 in the local record office), to the archives of important gentry families engaged in lead production, such as the Cavendishes of Chatsworth and the Gells of Hopton.

Lead production over the centuries had done much to determine the character of the Peak District landscape, which was full of survivals of the various workings. There was strong local interest in these and an established context for investigation, in which archaeological methods were used in combination with the written record.

The applicant said this was a ledger dated 1667/8 to 1700 of a merchant purchasing lead from about 20 named persons, presumably mine owners, in various towns and villages in Derbyshire (a few place names in Staffordshire or the West Riding). Each of the sellers had his own section in the ledger, sometimes more than one section when space ran out. Payment was mainly by cash, occasionally by services such as assaying or other means. There were also some miscellaneous transactions (loans, a purchase of cattle, etc) but the fundamental business was lead. The accounts were 'cleared' (balanced) at regular intervals. The ledger did not identify the merchant. There had once been some writing on the front cover, but this was partly torn away and wholly illegible. There was also no evidence of where or how the merchant sold all the lead that he purchased. The applicant suggested he must have

kept a corresponding ledger of sales. He submitted that the ledger, while an interesting relic of the lead trade, was not of sufficient importance to meet the Waverley criteria.

We heard this case in October 2007 when the ledger 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 £3,770. 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 ledger, 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 ledger by Derbyshire Record Office. We were subsequently informed that the ledger had been purchased by Derbyshire Record Office with assistance from the Friends of the National Libraries and the MLA PRISM Grant Fund.

Case 14

AN EARLY ENGLISH BRASS ASTROLABE QUADRANT

The astrolabe quadrant is made of brass and has a radius of 7 cm. It was made in the fourteenth century. It was found in July 2005, associated with other medieval material, on the site of an earlier inn just outside Canterbury Westgate on the road to London. It was previously unknown.

Both sides of the small, flat, brass quadrant are engraved. One has a shadow square (for measuring heights on the earth), unequal hour lines (for telling the time in the medieval unequal hour system), lines for the trigonometrical functions sine and cosine, a 'folded' zodiacal scale with the names of the signs, a single 'folded' horizon line (for 52 degrees north, for

use in England), and on the limb scales for the degrees of the signs, altitude and right ascension. On the verso are concentric calendar scales for the lunar cycle and the corresponding date of the Easter Moon, related by an eagle-shaped moveable index. The eagle feature is unique. Considering the item's age and the circumstances of its discovery, it is in very good condition.

The applicant had applied to export the astrolabe quadrant to Switzerland. The value shown on the export licence application was £350,000, which represented the sale price the owner had agreed with their buyer.

The Director of the Museum of the History of Science, University of Oxford, acting as expert adviser, had objected to the astrolabe quadrant'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 history of science.

The expert adviser considered that the small size (it is the smallest known example) together with the fact that it was found in a dated context, are of great importance: the instrument was clearly meant to be portable and yet its use requires a significant amount of mathematical and astronomical knowledge. Only seven other examples of this general type of instrument are known in the world: four are in museums in France, Germany and the USA; only one is known to be English, the one belonging to Merton College, Oxford, and it is unlike the current example in a variety of ways. The relationship between this one and the Merton College one, its provenance, the position of its horizon line which would only work in southern England and its non-specialist manufacture all point to it being made in England.

The history of scientific instrument-making and use in Britain is fairly well researched and recorded from the beginnings of a commercial trade in the 16th century. Much less is known about medieval instruments, though a small number (astrolabes, quadrants and sundials) have survived. Where they have early provenance, it tends to be associated with sites of learning, such as Oxford and Cambridge colleges. In this case it is significant that we have every indication of an instrument lost by a traveller and it has great potential for extending our knowledge of medieval mathematical literacy and the currency of portable instruments. The extreme rarity of the instrument, combined with its unusual and secure provenance give the quadrant its outstanding significance.

One other astrolabe quadrant is known to be English, the much larger example at Merton College, which has important technical differences, such as to make the item under consideration unique (for example, the use of a single horizon line and the eagle index). It is unique also in the story it can tell outside university learning, a story linked to the history of Canterbury and the society as well as the writings of Chaucer.

The applicant argued that the astrolabe under consideration is similar to the Oxford example. The applicant also expressed the view that the new owner would be prepared to make the instrument available for academic study in this country for an agreed period.

We heard this case in November 2007 when the astrolabe quadrant was shown to us. We found that it met the third Waverley criterion on the grounds that it was of outstanding significance for the study of the history of science and scientific instruments outside the academic context in the medieval period.

We also 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 £350,000 (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 astrolabe quadrant, 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 astrolabe quadrant by the British Museum. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the astrolabe quadrant had been purchased by the British Museum with assistance from The National Heritage Memorial Fund, The Art Fund and The British Museum Friends.

Case 15 **THE DERING ROLL**

The decorated manuscript roll of arms on vellum was made in England, probably Dover, in the last quarter of the 13th century. It is made from four membranes and overall measures 264.5 cm long and c.21 cm wide. Fifty-four rows of armorial shields are depicted, six shields per line with accompanying names in an accomplished English cursive documentary script. The manuscript contains the coats of arms of approximately one-quarter of the English baronage of the reign of King Edward I. There are some 16th-century additions of marginal numbers and some 19th-century writing on the reverse. There is also some fading, wear and flaking to be expected from a roll and a few very small losses from the outer edge of the membranes. However, overall the condition is good with a small amount of modern repair.

The applicant had applied to export the manuscript to the United States. The value shown on the export licence application was £192,500, which represented the hammer price at auction plus buyer's premium.

The Curator of Medieval Manuscripts at the Bodleian Library, acting as expert adviser, had objected to the Dering Roll'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 early English heraldry.

The expert adviser considered the Dering Roll to be a key document of medieval English knighthood as well as providing insight into the interests and methods of one of the earliest English antiquarians. As a statement of the knights who owed feudal service to the constable of Dover Castle, it carried outstanding local as well as national significance.

From its contents the manuscript could clearly be shown to be associated with Dover Castle, and was probably commissioned by its constable, Stephen of Penchester. Since Sir Edward Dering served as lieutenant of the same castle, it is entirely likely that the roll was still in the same place when he acquired it in the 17th century. It was unclear how it could then have been in the possession of intermediate owners, Hugh Fitzwilliam of Sprotborough and 'Mr. Knevet'. With further study the ownership inscriptions on the reverse of the roll could help fill in the missing stages in the provenance of the manuscript.

The Dering Roll belonged to the period when heraldry was coming to be regulated by well defined rules: the earliest surviving treatise on the subject, the anonymous 'De Heraudie' (written in Anglo-Norman French), probably dated from the same period. Heraldic displays, whether on rolls of arms or carved in stone (as in the nave of Westminster Abbey), were visual demonstrations of the relationships underpinning political communities.

The composition of the roll, if not its execution, must have been the work of a specialist herald. In wartime heralds had important functions in the field and (because of their immunity from hostile action) in diplomacy. They were also the new experts in matters of armoury and secular ceremony. By the late

13th-century heralds had assumed an established and professional position, being regularly paid and wearing the coats of arms of their masters. Their command of genealogy and blazon was matched by their concern for the literature and mythology of chivalry.

The heralds produced several distinct kinds of document: general rolls, the largest group; occasional rolls, giving the names and arms of those present on a particular occasion, usually a siege or tournament; local rolls; and ordinaries, in which the shields are grouped by their designs for the purposes of identification. The Dering Roll is the earliest local roll. Its relation to Dover Castle has been established. There were nine custodies at Dover, each of which maintained a house in the castle. Castle-guard, which could be done in person, by a deputy, or by the payment of a fixed sum, was due from the fees that made up the nine custodies. The use of stipendiary knights from the continent may explain the presence in the last six rows of the roll of shields from northern France and the Low Countries.

At the time the Dering Roll was made, the decision to present its information in a roll and not a book was perhaps not automatic. Were coats of arms produced in roll form by analogy with genealogical rolls or because they were intended for public display? The physical form of the Dering Roll is not the least of the clues it can give to its original function.

The applicant presented the case that the Dering Roll was associated with English history and was significant because it was apparently the oldest English roll of arms surviving as an original roll, but that it was of collector's interest as a relic rather than as a resource for study. In his view the roll was not unique in the information it conveyed. The armorial shields shown on the roll had been widely represented in medieval life and survive today in a variety of media: seals, wall paintings, buildings, clothing, furniture, domestic plate and tiled floors. Good quality photographs and the later copies of the roll could provide all the information a researcher would require.

We heard this case in February 2008 when the manuscript was shown to us. 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 £192,500 (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 Dering Roll, 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 Dering Roll by the British Library. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the Dering Roll had been purchased by the British Library with assistance from the National Heritage Memorial Fund, The Art Fund, the Friends of the British Library, the Friends of the National Libraries, and numerous donations from individual supporters.

Case 16

A PAINTING BY REMBRANDT VAN RIJN, *PORTRAIT OF A MAN LAUGHING*

In March 2008 we considered an application to export a painting by Rembrandt van Rijn, *Portrait of a Man Laughing*. We concluded that the painting satisfied the second and third Waverley criteria. The application for an export licence was subsequently withdrawn. Consequently, no decision on the application was made by the Secretary of State.

Case 17

A ROMAN BAROQUE CABINET ON STAND BY GIACOMO HERMAN

The ebony veneered cabinet measures 284 cm high (max), 172 cm wide (max) and 72.5 cm deep (max). It has applied mounts of jasper, lapis lazuli and gilt bronze. The drawers are applied with gouache miniatures depicting the basilicas and monuments of Rome. The lower central drawer contains a virginal by *Giovanni Battista Maberiani* dated 1676 and the whole is surmounted by a nocturnal clock signed by *Giovanni Wenderlino Hessler* of Rome below an equestrian figure. The cabinet rests on an early 18th-century carved giltwood console table or stand with a veneered marble top.

The applicant had applied to export the ensemble to Italy. The value shown on the export licence application was £1,108,037.50, which represented the hammer price at auction plus the buyer's premium and VAT on the buyer's premium.

The Curator of Collections, Temple Newsam House, acting as expert adviser, had objected to the cabinet and stand'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 furniture.

The expert adviser explained that the cabinet appeared to be one of four described as being taken from the workshops of Giacomo Herman to Palazzo del Quirinale to be inspected by the *cardinal nipote* Giacomo Rospigliosi (and possibly also his uncle Pope Clement IX) on 20 November 1669. The other three 'twins' survived: two in the Danish Royal Collection, bought in 1767; a third (lacking its stand and somewhat altered) traditionally said to have been given by Pope Innocent XI to Jan Sobieski in 1683 and today installed as an altarpiece in the church of the Capuchins in Cracow. All four cabinets were the same size, had the same configuration and all contained a virginal in the lower drawer.

The purpose behind Herman's visit to the Cardinal with his cabinets was not known. It had been suggested that either the Cardinal or the Pope intended to buy them, either for their own use, or more likely as future diplomatic presents for crowned heads. From the date of the virginals (1676) it would seem the cabinets were still unfinished in 1669.

At some date in the early 18th century three of the cabinets were 'modernised' and given their present elaborately carved and gilded stands. Again these were all virtually identical. Almost certainly these replaced earlier stands which would probably have been ebony. Some years later, two were sold to the Danish Royal Collection, but the fate of this remaining cabinet was not known until its re-appearance in the North East of England in the 1950s.

The story of how the cabinet and stand came to England and later became separated was not fully resolved. The upper part, the cabinet, was first recorded in the 1950s in the possession of a Mrs Baston of Sunderland, whose heirs or executors sold it at Phillips on 19 September 1972. It was acquired by a Mr and Mrs Gordon who eventually sold it, re-united with the stand, at Sotheby's on 4 December 2007. Nothing more has been established about Mrs Baston or where or how she might have acquired the cabinet.

The lower section, the stand, was probably given to the Assembly Rooms in York by Dr John Bowes Morrell, a well known local benefactor and conservationist, around 1951 when this historic building was redecorated and refurbished. It remained there until it was recognised and reunited with the top section for the sale in December 2007. By this date the Assembly Rooms had passed into the ownership of the Yorkshire Conservation Trust.

There was a strong possibility that the stand was sold at a country house sale in Yorkshire or the North East at a date before c.1950. Large numbers of these sales took place from the 1920s onwards (and earlier), often with cursorily written and unillustrated catalogues,

at which enormous quantities of works of art, especially large scale Continental furniture, flooded the market and achieved very low prices. Research was still ongoing to establish if the cabinet was sold in this way, and could thus be linked to a definite family collection.

The cabinet (or 'studiolo') had been conceived in the tradition of magnificent Italian semi-architectural furniture whose chief purpose was to impress with its grandeur and to delight with the quality of its detail and workmanship. If it had any practical function at all it was to accommodate small precious objects often of a personal nature, which might be handled only by the owners themselves (hence their name 'studioli'). Such pieces were born in the palaces of Renaissance Italy. Foreign artists and craftsmen living in Italy (as in this example) were often responsible for their construction and decoration.

English baroque furniture had been greatly invigorated by the influence of the neo-Palladian architect William Kent (1685-1748) who had studied in Rome in the second decade of the 18th century. Not content with merely designing buildings for his influential patrons, Kent was the first significant English architect who also designed furniture. He intended his interiors to have the same integrated 'gravitas' as the palaces and villas he had admired in Italy. At this date Roman 'parade' furniture (especially console tables, mirrors, candlestands etc) was characterised by its massive sculptural qualities. The stand for this cabinet was firmly within this tradition, and could have been executed at any date between c.1670 and c.1730.

In the context of 'parade' furniture, Italian (or Italian-inspired) cabinets replaced lacquer-fronted cabinets as major status symbols in England by the second quarter of the 18th century. They were greatly admired *in situ* in Italy by the English Grand Tourists and the leaders of the Palladian movement.

From the early 19th-century onwards, with the continued dispersal of indigenous collections, 17th and 18th century Italian and French furniture became even more accessible to wealthy English buyers through the network of dealers in the developing antiques trade in London and the provinces. Such furniture now fitted well into the increasingly opulent picture galleries, drawing rooms and salons (often incorporating expanded collections of paintings of the same period), as well as antiquarian libraries.

The makers of these superb objects were only infrequently recorded, still less the circumstances of their commission. The authorship of this example was confidently attributed to the most esteemed cabinet maker in mid 17th-century Rome, Giacomo Herman by comparison with his only signed example in the Kunsthistorisches Museum, Vienna, probably a gift of Cardinal von Hesse to the Emperor Leopold I, and dated 1668. The signatures of the clock maker, the virginal maker and a hitherto unrecorded craftsman (Johannes Meisser) added to the importance of the object as a benchmark for future attributions.

The expert said the cabinet and stand had both been executed to the highest possible standards, as befitted its probable destination as a gift from the Pope to a crowned head. Its sense of movement, combination of colours, and display of virtuoso craftsmanship marked it out as a truly exceptional work of art.

The applicant did not contest that the Waverley criteria applied.

We heard this case in March 2008 when the cabinet and stand was shown to us. We found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,108,037.50 (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 cabinet and stand 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 cabinet by the V&A. At the end of the first deferral period the owner was asked if he/she was willing to accept a matching offer at the recommended price. The owner was not willing to confirm this. An export licence was subsequently refused.

Case 18

A PAINTING BY JOHN THOMAS SETON, PORTRAIT OF ALEXANDER DALRYMPLE

The painting is oil on canvas and measures 91.4 x 71.1 cm. It represents Alexander Dalrymple at age 28, full-length and seated, in East India Company sea-officer's uniform, with globe, map, chart and dividers on the table beside him, and uniform sword leaning against the background chimney-breast.

The applicant had applied to export the painting to Australia. The value shown on the export licence application was £137,500, which represented the sale price in November 1988 including dealer's commission and a current agreed sale price.

The contributor of the entry 'Alexander Dalrymple' to the *Oxford Dictionary of National Biography*, acting as expert adviser, had objected to the painting's export under the first Waverley criterion on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune.

The expert adviser considered that the outstanding significance of the portrait was the identity of the subject, and his influential role in Britain's maritime history. Dalrymple began surveying in the China Sea and the Philippines in command of an East India Company ship from 1759 onwards. As well as being retained by the East India Company from the 1770s to 'examine the ships' journals' and to 'compile charts

and sailing directions for publication for use by East India Company voyages to India and China', a position he held for almost thirty years, Dalrymple was appointed, in 1795, the first Hydrographer to the Admiralty. In this role he was charged with turning an archive of manuscript sea surveys into a body of charts for safe navigation during the Napoleonic wars.

As a confidant of Sir Joseph Banks, and an adviser to government officials such as Philip Stephens, Evan Nepean and William Marsden, he provided plans and topographical information for Vancouver's voyage and recommended to the Colonial Office routes to the Pacific to supply Nootka Sound after the Spanish controversy in 1790. His achievements also included furnishing sailing directions for missions to China which culminated in Macartney's embassy, advising Banks on the Privy Council examination of Meares after the Nootka Sound affair and supplying charts for Blankett's naval squadron to the Red Sea to combat the threat of Napoleon's eastward advance from Egypt.

From Dalrymple's establishment in Whitehall in 1800 of a chart compilation and printing workshop there grew in the nineteenth century, under Sir Francis Beaufort and his successors as Hydrographer, the entire operation of the present-day UK Hydrographic Office, internationally respected as provider of charts and navigational information for mariners. The UK Hydrographic Office main administrative building in Taunton is named after Dalrymple, and Dalrymple's own manuscript charts of islands in the East Indies form part of the British hydrographic archive, now being deposited in The National Archives at Kew. Dalrymple brought into the Admiralty Hydrographic Office many of the charts he created and engraved for the East India Company, and they continued to be issued until the late 19th century, the last being withdrawn only in 1959.

No other original likenesses of Dalrymple are known in the United Kingdom. A small pencil profile by George Dance in 1794, of Dalrymple in later life is to be found

in the National Library of Australia collections in Canberra. Until the emergence of the Seton portrait, impressions from an engraved plate copied from the Dance profile, and degraded prints derived from a lost small half-length sketch by John Brown, were the only images known of this remarkable 18th-century public servant. The expert adviser therefore considered this portrait of Dalrymple in early life, with its unusual grouping of 'tools' of hydrography to be the most significant and substantial portrait of the originator of the Admiralty Chart, by which Britain has become known and respected by the seafaring nations of the world for over 200 years.

The applicant agreed that the painting, being the only known painting of Alexander Dalrymple, first Hydrographer to the East India Company and the Admiralty, was of national importance under the first Waverley criterion.

We heard this case in April 2008 when the painting was shown to us. We found that it met the first 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 £137,500 (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 portrait, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by National Museums Scotland. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the painting had been purchased by National Museums Scotland with assistance from The Art Fund and the National Museums Scotland Charitable Trust.



department for
**culture, media
and sport**

EXPORT of OBJECTS of CULTURAL INTEREST 2007-08

Appendices

Appendix A

History of export controls in the UK

The reasons for controlling the export of what are now known as cultural goods were first recognised in the UK at the end of the 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 that the National Art Collections Fund was established in 1903, to help UK national and provincial public collections to acquire objects that they could not afford by themselves.

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

It was in 1950 that the then Labour Chancellor of the Exchequer, Sir Stafford Cripps, established a committee under the Chairmanship of the First Viscount Waverley 'to consider and advise on the policy to be adopted by His Majesty's Government in controlling the export of works of art, books, manuscripts, armour and antiques and to recommend what arrangements should be made for the practical operation of policy'. The Committee reported in 1952 to RA Butler, 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 Sevres Dinner Service presented to the Duke of Wellington (1979); furniture – a lady's secretaire by Thomas Chippendale (1998); silver – a Charles II two-handled silver porringer and cover, c.1660, attributed to the workshop of Christian

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

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

Appendix B

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

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

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

Appendix C

Membership of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest during 2007-08

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 2011

PROFESSOR DAVID EKSERDJIAN

Professor of the History of Art and Film, University of Leicester. He is an expert on Italian renaissance paintings and drawings and the author of *Correggio* (1997) and *Parmigianino* (2006). Formerly a Fellow of Balliol College Oxford (1983-86) and Corpus Christi College, Oxford (1987-91), he worked in the Old Master Paintings and Master Drawings departments at Christie's in London from 1991-1997 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 on 12 November 2010

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 and currently Chairman of the Trustees of Sir John Soane's Museum, and a member of the Advisory Council of the Art Fund.

Appointed 10 April 2007: appointment expires on 9 April 2011

DR CATHERINE JOHNS

Former curator of the Romano-British collections at the British Museum. She trained in prehistoric and Roman Archaeology, and has published and lectured extensively, especially on Roman provincial art, jewellery and silver. Her publications include *Sex or Symbol; erotic images of Greece and Rome* (1982), *The jewellery of Roman Britain* (1996), *Horses; History, Myth, Art* (2006), *Dogs; History, Myth, Art* (2008), museum catalogues of Roman treasure finds, and more than 100 articles in scholarly journals. She has served on the committees of the Society of Antiquaries, the Roman Society, and the British Archaeological Association, and is a former Chair of the Society of Jewellery Historians.

Appointed 19 February 2003: appointment expires 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 on 13 March 2009

PROFESSOR PAMELA ROBERTSON

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

Appointed 2 December 2003: appointment expires on 20 November 2011

JOHNNY VAN HAEFTEN

Chairman and Managing Director of Johnny Van Haeften Ltd, the gallery specialising in 17th-century Dutch and Flemish Old Master pictures, which he has run for 30 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 2 June 2011

DR CHRISTOPHER WRIGHT

Dr Christopher Wright joined the Department of Manuscripts, British Library, in 1974 and was Head of Manuscripts from 2003 until his retirement in October 2005. He is a Fellow of the Society of Antiquaries (2002) and a Fellow of the Royal Historical Society (1982). His publications include *George III* (2005) and, as editor, *Sir Robert Cotton as Collector: Essays on an Early Stuart Courtier* (1997). From 1989 to 1999, he was editor of the *British Library Journal*. He served as a Trustee of the Sir Winston Churchill Archives Trust, Cambridge (2001 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

List of independent assessors who attended meetings during 2007-08

Brian Allen , Director of Studies, Paul Mellon Centre for Studies in British Art	Case 10
Gordon Balderston , Specialist in European sculpture	Case 5
Charles Beddington , Charles Beddington Ltd	Case 8
Peter Blackwood Brown , Curator, Fairfax House	Case 2
Beverly Louise Brown , Specialist in Italian Renaissance and Baroque Art	Case 8
Christopher Claxton Stevens , Norman Adams Ltd	Case 2
Philip Clayton-Gore , Archivist, UK Hydrographic Office	Case 18
Gloria Clifton , Head of Royal Observatory, Greenwich, National Maritime Museum	Case 14
Andrew Cormack , Royal Air Force Museum	Case 11
Bart Cornelis , Deputy Editor, The Burlington Magazine	Case 9
Pauline Croft , Professor of Early Modern History, Royal Holloway	Case 1
Peter Finer , Peter Finer Antique Arms and Armour	Case 3
Roger Gaskell , Roger Gaskell Rare Books	Case 13
Bendor Grosvenor , Director, Philip Mould Ltd	Case 18
John Guy , Teaching Fellow in History, Clare College, Cambridge	Case 12
Jonathan Harris , Independent Furniture Expert	Case 17
Colin Harrison , Assistant Keeper, Ashmolean Museum	Case 10
Robert Holden , Robert Holden Ltd	Case 11
Elizabeth Jamieson , Independent Furniture Expert	Case 2
Alastair Laing , Adviser on Pictures and Sculptures, The National Trust	Cases 5, 6 & 7
Lowell Libson , Lowell Libson Ltd	Case 10

Professor David Loades , Honorary Research Professor, University of Sheffield	Case 1
Duncan MacMillan , Independent Expert	Case 18
Jonathan Marsden , Deputy Surveyor of the Queen's Works of Art	Case 17
Gregory Martin , Independent Art Consultant and Scholar	Cases 9 & 16
Arthur Middleton , Specialist Consultant in the History of Science	Case 14
Keith Miller , Head of Weapons, National Army Museum	Case 3
Jennifer Montagu , Honorary Fellow, The Warburg Institute	Case 6
Anthony Mould , Anthony Mould Ltd	Case 7
Otto Naumann , Otto Naumann Ltd	Case 4
Anthony Payne , Bernard Quaritch Ltd	Case 1
Felix Pryor , Manuscript and Archive Consultant	Case 12
Christopher Rowell , Furniture Curator, The National Trust	Case 17
David Scrase , Assistant Director, Collections, The Fitzwilliam Museum	Case 8 & 16
Desmond Shawe-Taylor , Surveyor of the Queen's Pictures, The Royal Collection	Case 11
Timothy Stevens , Director, The Gilbert Collection	Case 5
Georgina Stonor , Independent Archives and Manuscripts Expert	Case 15
Liba Taub , Director, Whipple Museum of Science	Case 14
Ernst Vegelin van Claerbergen , Head of The Courtauld Gallery, Courtauld Institute of Art	Case 9
Liza Verity , Curator of Weapons, National Maritime Museum	Case 3
Rowan Watson , Senior Curator, Manuscripts, Victoria and Albert Museum	Case 15
Michael Webb , Head of Cataloguing Western Manuscripts, Bodleian Library	Cases 12 & 13
Patricia Wengraf , Patricia Wengraf Ltd	Case 6

Aidan Weston-Lewis , Senior Curator, National Gallery of Scotland	Case 7
Arthur Wheelock , Curator, The National Gallery of Art, Washington	Case 4
Sir Christopher White , Art Historian	Case 16
Andy Wood , Reader in Social History, University of East Anglia	Case 13
Thomas Woodcock , Norroy and Ulster King of Arms	Case 15

Appendix E

Value of items placed under deferral (1998-99 to 2007-08) (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 (£ millions)	(3) Value (at deferral) of cases in (2) where items were licensed for permanent export (£ millions)	(4) Value of items in (3) as % of (2)	(5) Value of items in (2) that were not licensed for export (£ millions)	(6) Value (at deferral) of cases in (2) where items were purchased by UK institutions or individuals ¹ (£ millions)	(7) Value of items in (6) as % of (2)
1998-99	23.5	21.0	89%	2.5 ²	2.3	10%
1999-2000	9.5	5.0	53%	4.5 ³	0.5	5%
2000-01	19.3	12.6	65%	6.6 ⁴	3.7	19%
2001-02	18.9 ⁵	11.4 ⁶	60%	7.5 ⁷	5.4 ⁸	29%
2002-03	74.9	23.2	31%	51.7 ⁹	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 ¹⁰	5.8	13%
2005-06	15.6	7.3	47%	8.3	8.3	53%
2006-07	24.5	10.7 ¹¹	43%	11.8	7.0	29%
2007-08	15.3	12.8	84%	2.5 ¹²	1.4	9%
Totals	255.6	135.2	53%	118.4	80.4	31%

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

² Includes value of one case (£130,275) where the licence application was withdrawn during the deferral period.

³ Includes value of four cases (£4,060,642.50) where the licence application was withdrawn during the deferral period.

⁴ Includes value of four cases (£2,964,362.50) where the licence application was withdrawn during the deferral period.

⁵ 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.

⁶ 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.

⁷ 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.

⁸ Includes value of one case (£2,000,000) where a licence was issued but the owner subsequently sold the item to a UK institution.

⁹ 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.

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

¹¹ 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.

¹² Includes value of one case (£1,084,500) where the owner failed to confirm that he/she was willing to accept a matching offer and the Secretary of State subsequently refused an export licence.

Appendix F

Items licensed for export after reference to expert advisers for advice as to national importance:
1 May 2007 – 30 April 2008

Category	Advising authority	No of Items	Total value (£)
Arms and armour	Royal Armouries, HM Tower of London, Master of the Armouries	66	20,091,910
Books, maps etc	British Library, Keeper of Printed Books, Keeper of Printed Maps	78	20,257,839
Books (natural history)	British Museum (Natural History), Head of Library Services	6	500,620
Clocks and watches	British Museum, Keeper of Clocks and Watches	27	4,001,522
Coins and medals	British Museum, Keeper of Coins and Medals	1,304	3,021,642
Drawings: architectural, engineering and scientific	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	26	3,343,670
Drawings, prints, watercolours	British Museum, Keeper of Prints and Drawings	213	98,401,270
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	2	1,575,000
Ethnography	British Museum, Keeper of Ethnography (Museum of Mankind)	1	150,000
Furniture and woodwork	Victoria & Albert Museum, Curator of the Furniture and Woodwork Collection	195	38,841,195
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	2	2,450,000
Indian furniture	Victoria & Albert Museum, Curator of the Indian and South-East Asian Department	2	675,000
Japanese antiquities	British Museum, Keeper of Japanese Antiquities	4	602,500
Manuscripts, documents and archives	British Library, Manuscripts Librarian	4,384	102,310,988
Maritime material, including paintings	National Maritime Museum	1	112,633
Oriental antiquities (except Japanese)	British Museum, Keeper of Oriental Antiquities	40	6,050,965
Oriental furniture	Victoria & Albert Museum, Keeper of Oriental Furniture	1	135,000
Paintings, British, modern	Tate Gallery, Keeper of the British Collection	318	522,972,067
Paintings, foreign	National Gallery, Director	285	1,038,029,223
Paintings, miniature	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	4	589,500
Paintings, portraits of British persons	National Portrait Gallery, Director	52	43,731,547

Category	Advising authority	No of Items	Total value (£)
Photographs	National Museum of Photography, Film & Television, Head	4,650	25,404,766
Pottery	Victoria & Albert Museum, Curator of the Ceramics Collection	47	10,717,230
Prehistory & Europe (inc. Archaeological material & Medieval and later antiquities)	British Museum, Keeper of Prehistory & Europe	20,287	32,178,223
Scientific and mechanical material	Science Museum, Director	3	562,912
Sculpture	Victoria & Albert Museum, Curator of Sculpture	74	51,450,880
Silver and weapons, Scottish	Royal Museum of Scotland	1	240,000
Silver, metalwork and jewellery	Victoria & Albert Museum, Curator of the Metalwork, Silver and Jewellery Collection	164	57,934,335
Tapestries, carpets (and textiles)	Victoria & Albert Museum, Curator of the Textile, Furnishings and Dress Collection	35	9,033,595
Toys	Bethnal Green Museum of Childhood	0	-
Transport	Heritage Motor Centre	28	9,457,413
Wallpaper	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	1	135,000
Western Asiatic antiquities	British Museum, Keeper of Western Asiatic Antiquities	29	6,171,245
Zoology (stuffed specimens)	British Museum (Natural History), Keeper of Zoology	0	-
Totals		32,330	2,111,129,690

Appendix G

EXTRACT FROM PRIVATE GIVING FOR THE PUBLIC GOOD

Collections purchase

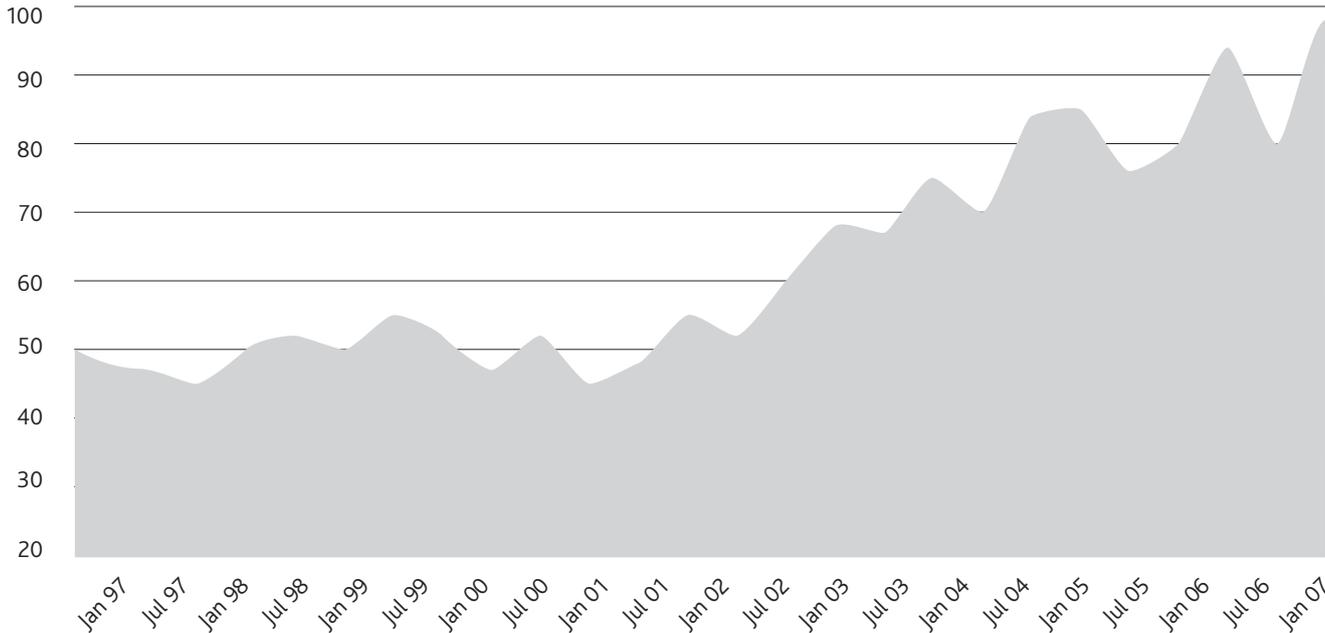
National governments and local authorities are signalling that after a period of steady increase in their support for culture, the many other pressures on public spending such as health and education mean that public resources are increasingly constrained. The budget for the Department for Culture, Media and Sport is less than 0.5% of total government expenditure, while many local authorities are actually cutting back.

At the same time, it costs more and more to sustain the buildings and collections, the orchestras, theatre and dance companies, the public libraries and archives and the wider historic environment that have given us such a rich and cultural life.

Our galleries and museums, for instance, find it harder and harder to add to their collections, with works by prominent British artists being lost to this country, as the market price of both historic and contemporary works of art has steadily risen.

This means that even those museums that still have some purchasing power are unable to compete in a global marketplace.

Artprice Global Index (Jan 1997 – Jan 2007)



Base July 1990 = 100 USD Quarterly data
Source: Artprice.com

Appendix H

Applications considered and deferred on the recommendation of Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest: 1998-99 to 2007-08

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 (£)
1998-99	8	21,009,066	8 ¹	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 ²	3,168,087	6	1,780,630 ³	7	690,701 ³	2	5,012
2001-02	5 ⁴	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	5 ⁵	10,709,778	12	7,009,075	4	1,944,032	3	700,275	2	40,000
2007-08	7	12,770,031	8	1,431,256	6	471,986	6	248,750	2	50,000

¹ Including a Roman gold finger-ring, valued at £2,352.50, which was donated by the owner to the British Museum.

² Including a series of 13 related finds.

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

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

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

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	The <i>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> , 2 nd 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
2002-3	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.1805	Victoria and Albert Museum	100,000	0	44,000	0
2003-04	A painting by Annibale Carracci, <i>The Holy Family with the Infant Saint John the Baptist ('The Montalto Madonna')</i> , 1597-1600	National Gallery	805,280	0	0	0
2003-04	Four silver wine coolers: one pair by Robert Joseph Auguste of Paris and one pair by Parker & Wakelin of London	Private Purchaser	1,098,513.68	0	0	0
2003-04	A Siena marble table made for William Beckford.	Beckford Tower Trust	220,000	110,000	35,000	40,000
2003-4	The Archive of G King & Son	Norwich Town Close Estate Charity	13,810	0	0	0
2004-5	A linen doublet, 1650s	National Museums of Scotland	25,935	0	0	0
2004-5	An Iron Age coin	British Museum	2,000	0	0	0
2004-5	The Macclesfield Psalter	Fitzwilliam Museum	1,685,600	(NHMF) 860,000	500,000	0
2004-5	A multi-gem Cartier bandeau	Private purchaser	300,000	0	0	0
2004-5	A pink satin and black bugle beaded bodice	Manchester City Galleries	12,350	0	0	3,500
2004-5	A marble sculpture by Benedetto Pistrucchi	The Rothschild Foundation	176,250	0	0	0
2004-5	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 (£)
2004-5	A drawing of Mary Hamilton by Sir Thomas Lawrence	Victoria and Albert Museum	165,000	(NHMF) 75,000	50,000	0
2004-5	A painting by Sir Joshua Reynolds, <i>The Archers</i>	Tate	3,200,000	(NHMF) 1,600,000	400,000	0
2004-5	A Charles II silver dish	Royal College of Physicians	192,000	(NHMF) 42,000	0	0
2005-6	An Anglo-Saxon gold coin of King Coenwulf of Mercia	The British Museum	357,832	(NHMF) 225,000	60,000	0
2005-6	Seven silver pieces (six off-cuts from silver ingots and a stamped arm-ring fragment)	The Ulster Museum	1,000	0	0	0
2005-6	A medieval bronze jug	Luton Museums Service	750,000	(NHMF) 568,000	137,500	0
2005-6	The Codex Stosch	The British Architectural Library	274,418	0	100,000	0
2005-6	A pair of paintings entitled <i>View of the Grand Walk, Vauxhall</i> and <i>The Rotunda, Ranelagh</i> by Giovanni Antonio II 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	The Alice Trust	775,000	0	0	0
2006-07	The archive of Reverend William Gunn	Norfolk Record Office	83,050	(HLF) 50,000	0	£15,000
2006-07	Anglo-Saxon gilded mount with interlace decoration	The Fitzwilliam Museum	7,000	0	0	0
2006-07	Anglo-Saxon great square-headed brooch	National Museums Liverpool	15,000	(HLF) 7,500	0	0
2006-07	A watercolour painting by J M W Turner, <i>The Blue Rigi, Lake of Lucerne, Sunrise, 1842</i>	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	0	8,000
2006-07	A Guild Roll of the Guild of St Mary	Nottinghamshire Archives	6,600	0	0	3,300
2006-07	A 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
2007-08	A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772	Lancashire County Museums Service	260,000	(NHMF) 92,000	100,000	30,000
2007-08	A 13-bore silver-mounted flintlock gun	The Royal Armouries	115,000	(NHMF) 57,500	28,750	0
2007-08	A portrait by J S C Schaak, <i>General Wolfe</i>	National Army Museum	300,000	(NHMF) 80,000	15,000	0
2007-08	A copy of the warrant for the execution of Mary Queen of Scots	Lambeth Palace Library	72,485.50	(NHMF) 17,485.50	0	20,000
2007-08	A ledger kept by a 17 th -century lead merchant in the Peak District	Derbyshire Record Office	3,770	0	0	0
2007-08	An early English brass astrolabe quadrant	The British Museum	350,000	(NHMF) 125,000	50,000	0
2007-08	The Dering Roll	The British Library	192,500	(NHMF) 100,000	40,000	0
2007-08	<i>Portrait of Alexander Dalrymple</i> by John Thomas Seton	National Museums Scotland	137,500	0	15,000	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 for Business, Enterprise and Regulatory Reform, HM Treasury, Foreign and Commonwealth Office, HM Revenue and Customs, Scottish Government Department for Culture, National Assembly for Wales Department for Culture and Northern Ireland Department for Culture);

(iii) the Directors of the English and Scottish national collections, the National Museum Wales, the National Museums Northern Ireland, and the Librarians of the National Libraries of Wales and Scotland;

(iv) the expert advisers to the Department for Culture, Media and Sport, to whom applications for export licences are referred, other than those who are members by virtue of (iii) above;

(v) eight representatives of non-grant-aided museums and galleries in England, Scotland, Wales and Northern Ireland, nominated by the Museums Association;

(vi) representatives of: Arts Council England; Arts Council of Northern Ireland; Arts Council of Wales; Association of Independent Museums; National Museum Directors' Conference; Friends of the National Libraries; Heritage Lottery Fund; The National Archives; National Archives of Scotland; The Art Fund; National Fund for Acquisitions; National Heritage Memorial Fund; National Trust; National Trust for Scotland; Pilgrim Trust; MLA/Victoria & Albert Purchase Grant Fund; the MLA PRISM Fund for the Preservation of Scientific and Industrial Material; Scottish Arts Council;

(vii) representatives of: British Academy; British Records Association; Canadian Cultural Property Export Review Board (observer status); Chartered Institute of Library and Information Professionals (CILIP); Council for British Archaeology; Historic Houses Association; Historical Manuscripts Commission; Museums, Libraries and Archives Council (MLA); Royal Academy of Arts; Royal Historical Society; Royal Scottish Academy; Scottish Records Association; Society of Antiquaries of London; Society of Archivists; Society of College, National and University Libraries;

(viii) representatives of the trade nominated by the: Antiquarian Booksellers' Association (*two*); Antiquities Dealers' Association (*two*); Association of Art and Antique Dealers (*two*); Bonhams; British Antique Dealers' Association (*three*); British Art Market Federation; British Numismatic Trade Association (*two*); Christie's; Fine Art Trade Guild; Society of London Art Dealers (*two*); Society of Fine Art Auctioneers; Sotheby's.

Appendix K

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, 2008)

Export Control Act 2002 (HMSO)

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

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

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

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

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

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

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

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

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

Appendix L

Membership of the Working Party on Manuscripts, Documents and Archives during 2007-08

Dr Christopher Wright, Chairman

Louise Adkin, Secretary, Museums, Libraries and Archives Council

Julia Brettell, MLA/V&A Purchase Grant Fund

Dr Patricia Croot, Institute of Historical Research

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

Hugh Jacques, Dorset History Centre

Norman James, The National Archives

Nick Kingsley, The National Archives

Helen Loughlin, Deputy Head of AELU, Museums, Libraries and Archives Council

David Park, Bonhams

Julian Rota, Antiquarian Booksellers Association,

Rachel Stratton, Cultural Property Unit, Department for Culture, Media and Sport

David Uffindell, Head of Export Licensing Unit, Museums, Libraries and Archives Council

Frances Wilson, PRISM Grant Fund, Museums, Libraries and Archives Council

John Wilson, John Wilson Manuscripts Limited

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 2007-08

December 2008
London: The Stationery Office

£19.15

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

Cover Image:
A ledger kept by a 17th-century
lead merchant in the Peak District

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department for
**culture, media
and sport**

EXPORT of OBJECTS of CULTURAL INTEREST 2007-08

1 May 2007 – 30 April 2008

- 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

I am pleased to lay before Parliament this, the fourth 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 2007 to 30 April 2008.

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, once again, we have been broadly successful in that aim during the past year.

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

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

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

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

Export of Waverley standard objects

A total of 18 items were referred to the Committee by Expert Advisers, 17 of which were subsequently found to meet the Waverley Criteria. One application where the item was found to meet the Waverley Criteria was withdrawn following the hearing and consequently not referred to the Secretary of State. I accepted the Committee's recommendations on all the 16 cases referred to me. I refused a licence for one of the referred cases, at the end of the first deferral period because the owner had failed to confirm they were willing to accept a matching offer at the recommended price.

In all, eight items, valued at £1.4 million, have been purchased by institutions or individuals in the UK. Export licences have been issued for seven items, valued at £12.8 million.

I fully understand the Committee's concern that of the 17 objects which met the Waverley Criteria, seven were eventually granted an export licence. It is very welcome news, however, that eight items 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 spectacular success for the export control system. Such a positive outcome would not, of course, have been possible without the valuable assistance of the National Heritage Memorial Fund, the Heritage Lottery Fund, The Art Fund, the MLA/Victoria & Albert Museum Purchase Grant Fund, associations of friends of museums and galleries, as well as private and corporate donors, all of whom deserve our thanks and recognition.

I understand the Committee's views on the level of funding available for acquisitions and take this matter seriously. The Government's grant to the National Heritage Memorial Fund was increased to £10 million in 2007-08 and for the following three years, thereby doubling its resources for the acquisition of 'national treasures'. 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.

This is the right place to record the Government's profound gratitude to all those bodies and individuals mentioned in Part 1 of the Report who have so generously made the listed acquisitions possible. I was especially pleased that it was possible for us to facilitate the acquisition of the d'Offay collection under special arrangements and to take advantage of Mr d'Offay's exceptional generosity in wishing to bring his collection into public ownership.

I very much hope that generous individuals, businesses and trusts and foundations will continue to support the acquisition of Waverley quality objects, despite the difficult financial climate which we must all face together.

Finally, the Acceptance in Lieu scheme has continued successfully to ensure that an exceptional range of pre-eminent objects has been taken into public ownership. In the 2007-08 tax year 32 cases were completed, resulting in items valued at £15.2 million, settling approximately £10.3 million in tax, being accepted under the scheme and being distributed to museums throughout the UK, from the Isle of Wight to North Yorkshire and also to five National Trust properties.

A handwritten signature in black ink that reads "Andy Burnham". The signature is written in a cursive, flowing style.

Rt Hon Andy Burnham MP

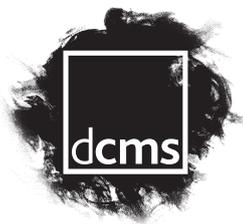
Operation of the control

The following figures cover the period of this report (1 May 2007-30 April 2008).

		1 May 2007- 30 April 2008	1 May 2006- 30 April 2007
(a)	Number of applications for individual export licences ¹	12,236	11,607
(b)	Number of above applications which were for manuscripts, documents or archives	1,444	1,835
(c)	Number of items licensed after reference to expert advisers on the question of national importance	32,330	27,444
(d)	Total value of items in (c)	£2,111,129,690	£1,842,844,793
(e)	Number of Open Individual Export Licences issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives	16	16
(f)	Number of items licensed after the Export Licensing Unit was satisfied of import into the UK within the past 50 years	14,333	17,723
(g)	Total value of items in (f)	£6,297,615,224	£6,476,033,522
(h)	Number of items in (f) which were manuscripts, documents or archives	1,281	838
(i)	Total value of items in (h)	£96,612,684	£67,887,642
(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 ²	2,707	4,100
(k)	Total value of items in (j) ²	£1,840,307,871	£1,549,816,636

¹One application may cover several items.

²In 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.



department for
**culture, media
and sport**

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

1 May 2007 – 30 April 2008

To:

Rt Hon Andy Burnham MP

Secretary of State for Culture, Media and Sport

Fifty-fourth Report of the
Reviewing Committee

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

MEMBERS OF THE COMMITTEE 2007-08

Lord Inglewood (Chairman)

Professor David Ekserdjian

Mr Simon Swynfen Jervis

Dr Catherine Johns

Mr Tim Knox

Professor Pamela Robertson

Mr Johnny Van Haeften

Dr Christopher Wright

JOINT SECRETARIES

Ms Nicki Fox

Ms Isabel Wilson

POSTAL ADDRESS

Secretary

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

Museums, Libraries and Archives Council

Wellcome Wolfson Building

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London

SW7 5HD

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

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PART I:

Reviewing Committee Report for 2007-08

1 May 2007 – 30 April 2008

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 at Appendix A. The terms of reference of the Reviewing Committee can be found at Appendix B.

Committee Members, Expert Advisers, Independent Assessors and the administration of the system of export control

There were no changes in membership of the Committee during the 2007-08 reporting year (up until the end of April 2008). Two members were re-appointed for a second term: The Chairman, Lord Inglewood to run from 1 December 2007 to 30 November 2011 and Pamela Robertson to run from 1 December 2007 to 30 November 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 once more like 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 into fulfilling this role, which is essential to the smooth running of our system of export control. The quality of their expertise and commitment is of the highest order.

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.

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

The Committee's work falls into two distinct parts. The first focuses generally on the working of the system of export control and the second advises the Secretary of State on individual cases. In this report we begin with the former.

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 character 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. In order, therefore, for the system to work effectively there must be buyers.

Philanthropy

In July 2007, only days before its intended sale, Dumfries House and its contents were acquired by a charitable trust that was set up with strong support from, amongst others, HRH the Prince of Wales. But for this, there can be little doubt that the Reviewing Committee would have had a much busier year as Dumfries House contains some of the most important Thomas Chippendale and 18th-century Scottish furniture in the country.

This welcome development brought together public and private bodies in an imaginative grouping with £20m coming from the Prince's Charities Foundation, £9m from the Monument Trust, £7m from the National Heritage Memorial Fund (NHMF), £5m from the Scottish administration and £2.25m from The Art Fund.

The Scottish administration and the UK Government worked together later in the year to bring about the acquisition of the Anthony d'Offay Collection by Tate and the National Galleries of Scotland. Although this important collection comprises works most of which have been in the UK for less than 50 years and therefore not of direct concern to the Committee, it highlights the important role philanthropy can play in securing our national treasures.

The collection was conservatively valued at £125m and Mr d'Offay gave almost £100m of its value before tax, as he committed to receive only £26.5m when he proposed to transfer it into the joint ownership of Tate and the National Galleries of Scotland. All those involved and not least the Government are to be congratulated on their willingness to devise and finance an imaginative and complex arrangement by which the tax due on the sale by the donor was to be met from the public purse and not by Mr d'Offay himself. Mr d'Offay has referred to his early love of the national collections in Edinburgh as the stimulus for his wish personally to enrich the public collections.

Of course we accept that there is much more to the promotion of philanthropy than simply the issue of tax incentives, but this particular example shows that it often does have a critical role to play and how an incentive can leverage enormous public benefit. It is to be hoped that the example of private philanthropy shown by Anthony d'Offay and the Government's willingness to be both generous and creative in ensuring that the transaction did proceed will spur on others and lead to further refinements in our country's encouragement of philanthropy. We welcome and support the National Museum Directors' Conference (NMDC), Museums, Libraries and Archives Council

(MLA) and Arts Council England (ACE) manifesto *Private Giving for the Public Good* which calls for the introduction of more incentives for people who give to museums and other cultural institutions to ensure that all parts of the country benefit from cultural philanthropy.

It is unrealistic to expect that either private money or public funds, each on their own, can maintain and achieve the development of the heritage sector in a way which is required in a country like ours. When, however, they work together effectively, successes such as Dumfries House and the d'Offay collection can be achieved.

In the same spirit, the Committee was pleased that the Government responded positively to the concerns raised by museums and the wider sector when draft proposals were issued in respect of taxing non-domiciles on income earned abroad. Although often little known, the philanthropy of 'non-doms' has been a key element in financing several major gallery refurbishments and new developments as well as being the source of significant loans to both exhibitions and permanent displays. Regardless of any other considerations, the loss of their contribution to our national cultural life would be most damaging.

Committee's recommendations for aiding acquisitions

The Reviewing Committee exists to provide a mechanism of last resort by which important cultural objects can remain in the UK. It would be quite content if it was called upon to consider cases less frequently than it does. Indeed, were it never required to meet again, this could be considered a resounding success. The Committee therefore welcomes those measures such as the *douceur* system which encourages owners to sell to UK public bodies through private treaty sales rather than to go to auction. The reality, however, is that the first indication that many museums have of items coming onto the market is through auction sale catalogues. We see no reason, in principle, why the same

advantages that most public museums enjoy when acquiring through private treaty sale could not be available if the sale was conducted through auction and urge HM Revenue & Customs to reconsider the current custom and practice in this area, since it might well assist in retaining national treasures in this country.

In January 2008, the Olympics Minister, Tessa Jowell, told the Culture Select Committee that, following the 2012 Games, the National Lottery would be reimbursed by an estimated £675 million from the proceeds of the sale of Olympic assets. This is very welcome. In the intervening period, however, national treasures will inevitably come under threat of export – vendors are unlikely to delay selling on account of the Olympics. If, during this period, treasures depart these shores, there is unlikely to be a second opportunity to bring them back. A system of advance payments, to smooth out the variations in the annual amount available, if introduced, could ensure both that the next few years do not see a disproportionate loss to our heritage and that the Heritage Lottery Fund continues to provide its essential financial support.

Valuations

During the past year we have received a number of queries about our recommendations to the Secretary of State in respect of the matching price of items we consider meet the Waverley Criteria. Some thought we were seeking too much detail, others were concerned where the value was significantly above an item's relatively recent purchase price, while others doubted whether we had been rigorous enough.

It is important to be clear that the Committee must be even-handed and in these circumstances the matching price must represent the fair market-price at the time of the application for an export licence. Where a valuation has been set by auction or a private sale or sale agreement, provided that there is adequate evidence to support the value, we are not in a position to recommend a lower valuation because this would conflict with the owner's rights under Human Rights

legislation. However, in instances where the Committee considers the evidence provided in support of the valuation on the export licence application to be insufficient, we will request that the applicant provides further information to dispel our concerns. Where the requested evidence to support the valuation is inadequate we will recommend that the Secretary of State seeks independent advice on the valuation.

In the event of a UK purchaser coming forward, the price must be one which is fair both to the owner, and to the national heritage interests, and it must be recognised to be so by all concerned. Following observations made by the previous Permanent Secretary at DCMS after attending a meeting of the Reviewing Committee and a subsequent meeting with the Chairman and ensuing discussion among Committee Members, we have introduced an additional rigour into our consideration of the valuation aspects of the cases we hear. We now always try to ensure that at least one of the Independent Assessors is involved with the Art Market and can therefore bring to bear a knowledge and expertise in valuation if required.

Nonetheless, the Committee is not an investigative body and cannot go further than this. In cases where we are unsure whether a value represents a fair market price – and valuation is not a precise science – we shall recommend that the Secretary of State seeks further advice.

Enforcement of the law in relation to Export Control is the responsibility for HM Revenue & Customs and it is for them to determine what action to take in the event of concerns about abuse of the system.

Contractually binding obligations to sell

In our annual report for 2003-04, we reported on the recommendation in the Quinquennial Review that Ministers should consider introducing a binding 'offer and undertaking' procedure requiring an applicant to commit to a binding agreement to accept a matching

offer at the beginning of the second deferral period, and the Goodison Review's recommendation in favour of such a procedure. The then Secretary of State responded that, given the relative infrequency of cases where owners refuse matching offers during the period of deferral, the introduction of such a stipulation across the board would be disproportionate. We accept this but note that it is legally possible for a binding stipulation to be required in an individual case where it was justified and proportionate, for example in relation to an applicant who had persistently breached undertakings in the past. We reserve the right to recommend to the Secretary of State that such a stipulation could be imposed in an individual case, where the particular circumstances satisfy those criteria.

The Committee has tightened up its procedures in recent years. At the hearing an applicant is asked whether the owner would be prepared to accept a matching offer, and the implications of saying 'no' are explained if he/she declines. In addition we have introduced a form which we ask the owner to sign either at the end of the first deferral period or upon receipt of a firm offer to purchase the object to confirm that they are prepared to accept a matching offer. At the end of the period covered by this report there had been no instances where an owner had refused to confirm that they would accept a matching offer. Subsequently, one owner did indicate that they were not prepared to sign the form stating that they would accept a matching offer. After due consideration, the licence application was refused.

We remain of the opinion that the integrity and efficacy of the Waverley system rests upon those affected by it honouring the obligation to behave in accordance with a simple principle. If an expression of interest is made during the first deferral period and then followed up with a firm offer during the second deferral period, it will be accepted other than in exceptional circumstances.

We have no doubt this is generally understood and acted upon. However, were that to change we would advise the Secretary of State to reconsider the procedures, as might be appropriate, to enable them to achieve the underlying purposes of our system of Export Control.

Waverley criteria

We decided to re-present the section of the guidance to exporters to make it clear that the three Waverley criteria used to measure an item's outstanding importance are not mutually exclusive, nor is any one criterion more important than the others. Each of the relatively small number of exceptional items that meet the Waverley criteria is designated a national treasure, whose departure from the country would be a misfortune. Furthermore, the test is fully met by meeting any single criterion. The first criterion is concerned with historical importance, the second with aesthetic importance and the third relates to the object's importance for scholarship. The references to 'Waverley one', 'Waverley two' and 'Waverley three' should not be interpreted as indicating a hierarchical ranking.

Temporary licences

In August 2006 a 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.

ADDITIONAL SOURCES OF FUNDING FOR ACQUISITIONS

Museums, libraries and archives have, regrettably, limited acquisition funds. So we are grateful, as always, for the external funding provided towards purchasing items placed under deferral as a result of recommendations we have made. The main sources of funding are 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 £9,397,985 to support 12 acquisitions, including £7 million towards the purchase of the Anthony d'Offay collection by the Tate and the National Galleries of Scotland. Other significant grants included £17,485 towards the purchase of the execution warrant of Mary Queen of Scots by Lambeth Palace Library, and £92,000 towards the Lancashire County Museum Service's purchase of the Rawlinson Bookcase made by Gillows of Lancaster.

ii) The Heritage Lottery Fund

The Heritage Lottery 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 £17,500 towards the London Borough of Hounslow's purchase of one of the few surviving Hogarth manuscripts, a letter of 1754, for Hogarth's House. Another highlight is the grant of £179,500 towards the purchase of three portraits of the Rackett family by George Romney for Dorset Museums.

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 over £3 million for 22 projects lasting up to five years under its 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)
1998-09	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	16.74
2004-05	1.22	1.18	20.65	23.05
2005-06	4.54	1.19	0.14	5.87
2006-07	6.40	2.10	1.20	9.70
2007-08	9.40	1.10	1.60	9.90

iii) The Art Fund

The Art Fund is an independent charity that exists to save art for everyone to enjoy. It receives no funding from government or the Lottery, and instead relies on subscriptions from over 80,000 members. Since it began in 1903 it has helped to save over 860,000 works of art for UK public collections. In 2007-08, The Art Fund contributed almost £250,000 to help secure six export-stopped items for the nation, including £100,000 towards the Judges' Lodging's purchase of a carved bookcase supplied by Gillows of Lancaster, and £40,000 to help purchase the Dering Roll for the British Library.

iv) 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 2007-08, it made 166 awards totalling £1,035,142.

Two items placed under deferral during the year following a recommendation of the Reviewing Committee came within its remit. The Fund contributed £20,000 towards the purchase by Lambeth Palace Library of an annotated copy of the execution warrant for Mary Queen of Scots, 1 February 1586/7 and £30,000 towards the purchase by Lancashire County Museums Service of the bookcase made for Mrs Hutton Rawlinson by Gillows of Lancaster, 1722.

v) Other grant making bodies

Other grant making bodies may also provide funding. In 2007-08, the Garfield Weston Foundation contributed £50,000 towards the National Army Museum's purchase of the *Portrait of General Wolfe* by J S C Schaak, the North West Regional Development Agency contributed £30,000 to Lancashire County Museums Service for its purchase of the bookcase made by Gillows of Lancaster, the Friends of the National Libraries contributed £5,000 towards Lambeth Palace Library's purchase of the copy

of the warrant for the execution of Mary Queen of Scots, and the Friends of the National Libraries and the MLA PRISM Grant Fund each contributed £1,885 towards the purchase of a ledger kept by a 17th-century lead merchant in the Peak District by Derbyshire Record Office. All of these items were placed under deferral following a recommendation of the Reviewing Committee.

vi) The Acceptance in Lieu Scheme and Private Treaty Sales

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.

a. The Acceptance in Lieu Scheme

The Acceptance in Lieu Scheme enables pre-eminent works of art and archives, and those that make a significant contribution to buildings in which they are housed, to become public property so that they are secure for the enjoyment and inspiration of all both now and in the future. A wide range of items was accepted during the financial year 2007-08, including groups of chattels from properties owned by the National Trust, including West Wycombe, Nostell Priory, Sissinghurst Castle and Dunham Massey. Paintings by Turner, Burne-Jones and Rossetti and an important portrait of the philosopher David Hume by Allan Ramsay were also saved, as well as a rare work by the Venetian painter Carlevarijs. Full details of all the works of art and the archives accepted through the scheme in 2007-08 and in the previous five years can be found on the MLA website at www.mla.gov.uk

b. Private Treaty Sales

If a heritage object is sold on 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 the amount that he or she would have received at the agreed market value, net after tax, but also receives a *douceur* (usually 25 per cent) of the tax that would have been chargeable. The purchaser normally pays what would have been paid under normal arrangements, less a proportion of the tax (usually 75 per cent) that would have been chargeable.

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 original Waverley Committee therefore recommended the creation of a widely representative Advisory Council, which would meet from time to time, as circumstances might require, to discuss matters of common interest and the operation of the system as a whole. It was envisaged that the Council would advise whether the right standards were being applied to the different categories of objects, as well as enabling institutions, not least provincial ones, and the art trade to make their views known.

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

The Advisory Council is normally convened annually and met on 5 June 2007. The main issue discussed was the process of acquisition by public institutions of export deferred items.

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. However the Working Party had no major issues for discussion this year and instead considered its short agenda by email. The first item was the operation of the new technical standard for the submission of digital images as copies of manuscripts. It was concluded that it was as yet too early to reach a judgement as to how the new technical standard was operating and that this issue should be considered at the next meeting of the Working Party after the new standard has been in operation for a full year.

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 Grant 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.

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

i) The MLA/V&A Purchase Grant Fund

The MLA/V&A Purchase Grant Fund reported that 40 applications had been received in respect of manuscript acquisitions and, of these, 23 were

successful and received grants totalling £175,315, enabling purchases of over £600,000 to go ahead. Due to pressure on limited resources, 30% of all grants awarded were reduced from the sums requested and one grant was rejected.

ii) The MLA PRISM Grant Fund

The MLA PRISM Grant Fund supports the acquisition and conservation of material relating to all fields of the history of science, technology, industry and medicine. During 2007-08, it made four grants for the acquisition of manuscript and archival material, totalling £18,307.

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 2007-08, they made or committed 37 grants to 34 institutions totalling £134,298 from the Operating Fund and £65,000 from the Philip Larkin Fund.

iv) The Heritage Lottery Fund and National Heritage Memorial Fund

The Funds made awards for the purchase of archival and manuscript material totalling £1,599,000. Acquisitions supported included £954,000 towards the purchase by The Everton Collection Charitable Trust of the Everton Football Club Archive.

v) Acceptance in Lieu

The Acceptance in Lieu scheme is also an important means of retaining archival material within the UK. In the 2007-08 financial year, eight offers in lieu of tax were completed which involved archival material. The acceptance of these settled over £2.2 million of tax.

vi) 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 2007-08, 52 items were purchased by 32 different repositories as a result of notifications. However, there were 35 unsuccessful bids, as repositories were outbid or dealers had already disposed of material.

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

CASE STUDIES

Consideration of items by the Reviewing Committee 2007-08

There were 12,236 licence applications during the period 1 May 2007 to 30 April 2008, covering a total of 37,190 individual items. Of these, 32,330 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 18 (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 18 items which we considered, 17 met at least one of the Waverley criteria. These are listed below. We starred three of them (cases 12, 14 and 15) as a sign of their outstanding importance, to indicate that especially great efforts should be made to retain them in the UK.

Case 1: A 16th-century printed pamphlet by Henry Roberts (met third criterion);

Case 2: A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772 (met third criterion);

Case 3: A 13-bore silver-mounted flintlock gun (met third criterion);

Case 4: An oil sketch by Sir Peter Paul Rubens, *Meleager and Atalanta Hunting the Boar* (met second criterion);

Case 5: A pair of 18th-century bronze busts after the antique of *Geta* and *Plautilla* by Pietro Cipriani (met second and third criteria);

Case 6: A marble bust of *The Virgin Annunciate* by Domenico Guidi (met second and third criteria);

Case 7: A portrait by Pompeo Batoni, *Wills Hill, the Earl of Hillsborough, later 1st Marquess of Downshire* (met third criterion);

Case 8: A painting by Domenico Zampieri, *Pietà* (met second and third criteria);

Case 10: A 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 11: A portrait of *General Wolfe* by J S C Schaak (met third criterion);

Case 12: A copy of the warrant for the execution of Mary Queen of Scots (met first and third criteria, starred);

Case 13: A ledger kept by a 17th-century lead merchant in the Peak District (met third criterion);

Case 14: An early English brass astrolabe quadrant (met third criterion, starred);

Case 15: The Dering Roll (met first and third criteria, starred);

Case 16: A painting by Rembrandt van Rijn, *Portrait of a Man Laughing* (met second and third criteria)

Case 17: A Roman Baroque cabinet on stand by Giacomo Herman (met second and third criteria);

Case 18: A painting by John Thomas Seton, *Portrait of Alexander Dalrymple*.

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

Items found not to meet the Waverley criteria

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

Case 9: A painting by Roelandt Savery, *The Temptation of Saint Anthony*, 1617.

Further information and details of this painting can be found in the case histories below.

Items where the licence application was withdrawn following the case hearing

Of the 17 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 16: A painting by Rembrandt van Rijn, *Portrait of a Man Laughing*.

Items referred to the Secretary of State

Sixteen cases were referred to you and your predecessors and you accepted our recommendations on all of them. The aggregate value of the 16 items deferred was £15,285,787.

Items that were acquired

Of the 16 deferred items, the following eight were acquired by institutions or individuals in the United Kingdom. We welcome the retention within the UK of all three starred items.

Case 2: A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772 by Lancashire County Museums Service for £260,000 including £100,000 from The Art Fund, £92,000 from NHMF, £30,000 from the MLA/V&A Purchase Grant Fund and £30,000 from the Northwest Regional Development Agency;

Case 3: A 13-bore silver-mounted flintlock gun by the Royal Armouries for £115,000 including £57,500 from NHMF and £28,750 from The Art Fund;

Case 11: A portrait of *General Wolfe* by J S C Schaak by the National Army Museum for £300,000 including £80,000 from NHMF, £50,000 from the Garfield Weston Foundation, £25,000 from the Society of Friends of the National Army Museum and £15,000 from The Art Fund;

Case 12: A copy of the warrant for the execution of Mary Queen of Scots by Lambeth Palace for £72,485.50 including £23,000 from the Friends of Lambeth Palace Library, £20,000 from the MLA/V&A Purchase Grant Fund, £17,485.50 from NHMF, £7,000 from the Friends of the National Libraries and £7,000 from the Trustees of Lambeth Palace Library;

Case 13: A ledger kept by a 17th-century lead merchant in the Peak District by Derbyshire Record Office for £3,770 including £1,885 from the Friends of the National Libraries and £1,885 from the MLA PRISM Grant Fund;

Case 14: An early English brass astrolabe quadrant by the British Museum for £350,000 including £125,000 from NHMF, £50,000 from The Art Fund, and £110,000 from The British Museum Friends;

Case 15: The Dering Roll by the British Library for £192,500 including £100,000 from NHMF, £40,000 from The Art Fund, £10,000 from the Friends of the British Library and £10,000 from the Friends of the National Libraries;

Case 18: A painting by John Thomas Seton, *Portrait of Alexander Dalrymple* by National Museums Scotland for £137,500 including £55,000 from the National Museums Scotland Charitable Trust and £15,000 from The Art Fund.

The eight items purchased have a total value of £1,431,256 (value price at deferral), which represents nine per cent of the total value of objects placed under deferral.

Items where the licence application was refused during the deferral period following the owner's failure to confirm that he/she was willing to accept a matching offer

Case 17: A Roman Baroque cabinet on stand by Giacomo Herman

The one item refused has a total value of £1,084,500 (value price at deferral), which represents just over seven 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 seven items listed below. The fair matching price at which each item was deferred is given in brackets.

Case 1: A 16th-century printed pamphlet by Henry Roberts (£114,400);

Case 4: An oil sketch by Sir Peter Paul Rubens, *Meleager and Atalanta Hunting the Boar*, (£3,301,231.44);

Case 5: A pair of eighteenth-century bronze busts after the antique of *Geta and Plautilla* by Pietro Cipriani (£650,000);

Case 6: A marble bust of *The Virgin Annunciate* by Domenico Guidi (£1,500,000);

Case 7: A portrait by Pompeo Batoni, *Wills Hill, the Earl of Hillsborough, later 1st Marquess of Downshire* (£2,200,000);

Case 8: A painting by Domenico Zampieri, *Pietà* (£3,044,000);

Case 10: A 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 (£1,960,400).

The seven items for which export licences were issued have a total value of £12,770,031.44, which represents just under 84 per cent of the total value of objects placed under deferral and 44 per cent in number.

Unresolved cases from 2006-07

At the time of writing our last Report, there was just one unresolved deferral: a painting by Alonso Sánchez Coello, *The Infante Don Diego*. A decision on the export licence was deferred until the outcome of the investigation by HM Revenue & Customs into information provided to the Committee had been concluded. This investigation is ongoing.

TABLE 1

The statistics below show the figures for the number of cases from 1998-99 to 2007-08

(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 (£ millions)	(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 (£ millions)
1998-99	20	17	9	53	2.5	8	47	21.0
1999-2000	18	13	10	77	4.5	3	23	5.0
2000-01	37	34	27	79	6.6	7	21	12.6
2001-02	34	30 ¹	25	83	7.5	5	17	11.4 ²
2002-03	26	23	14	61	51.7	9	39	23.2
July 2003- April 2004	18	9	7	78	6.8	2	22	1.0
2004-05	32	25	15	60	16.2	10	40	30.2
2005-06	22	17	9	53	8.3	8	47	7.3
2006-07	28	19 ³	14 ⁴	74	11.8	4	21	10.7
2007-08	18	16	9 ⁵	56	2.5	7	44	12.8
TOTALS	253	203	139	68	118.4	63	31	135.2

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

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

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

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

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

TABLE 2

The statistics below show the figures for the values associated with cases from 1998-99 to 2007-08.

(1) Year	(2) Cases where a decision on the licence application was deferred	(3) Value of items in (2) (£ millions)	(4) No of cases where items were acquired by institutions or individuals in the UK ⁶	(5) Value (at deferral) of items in (4) (£ millions)	(6) Value of items in (4) as % of (3) (£ millions)	(7) Cases where application was refused or withdrawn after announcement of Secretary of State's decision	(8) Value of items in (7) (£ millions)
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 ⁷	18.9	22 ⁸	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 ⁹	24.5	12	7.0	29	3	4.8
2007-08	16	15.3	8	1.4	9	1	1.1
TOTALS	203	255.6	117	80.4	31.5	26	39.5

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

⁷Excludes 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.

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

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

PART II: Operation of the Control

During the period covered by this report (1 May 2007 to 30 April 2008), there were 12,236 applications for export licences, covering a total of 37,190 items. This included 1,444 applications for manuscripts, documents or archives. Of these 37,190 items, 32,330 items with a value of £2,111,129,690 were licensed after they had been referred to expert advisers. 14,333 items, with a value of £6,297,615,224 were licensed after the Export Licensing Unit was satisfied that they had been imported into the United Kingdom within the past 50 years. 1,281 of these items were manuscripts, documents or archives. Sixteen Open Individual Licences were issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives. 2,707 items, with a value of £1,840,307,871 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, 28 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, 10 were withdrawn before they reached the stage of consideration by us. Accordingly 18 cases were considered at eight 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) (£ millions)	(6) No of cases in (3) where items were licensed for permanent export	(7) Value (at deferral) of items in (6) (£ millions)	(8) Percentage of cases in (3) where a licence for permanent export was eventually granted
1998-99	20	17	9 ¹	2.5	8	21.0	47
1999-2000	18 ²	13	10 ³	4.5	3	5.0	23
2000-01	37 ⁴	34	27 ⁵	6.6	7	12.6	21
2001-02	34 ⁶	30 ⁷	25 ⁸	7.5	5 ⁹	11.4	17
2002-03	26	23	14 ¹⁰	51.7	9	23.2	39
2003-4 (1 July - 30 April)	18 ¹¹	9	7	6.8	2	1.0	22
2004-05	32 ¹²	25	15	16.2	10	30.2	40
2005-06	22 ¹³	17	9	8.3	8	7.3	47
2006-07	28	19 ¹⁴	14 ¹⁵	11.8	4	10.7	21
2007-08	18 ¹⁶	16	9 ¹⁷	2.5	7	12.8	44
TOTALS	253	203	139	118.4	63	135.2	31

¹ Including one case where the licence application was withdrawn during the deferral period.

² 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.

³ Including four cases where the licence application was withdrawn during the deferral period.

⁴ A further five cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

⁵ Including four cases where a licence application was withdrawn during the deferral period.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ A licence was issued for a further item, but a UK institution subsequently purchased the item.

¹⁰ Including two cases where a matching offer was refused and the Secretary of State therefore refused an export licence.

¹¹ 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.

¹² A further 15 cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

¹³ 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.

¹⁴ 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.

¹⁵ Including two cases where the licence application was withdrawn during the deferral period.

¹⁶ Including one case where the licence application was withdrawn before the Committee's recommendation was made to the Secretary of State. A further 10 cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

¹⁷ Includes one case where the owner failed to confirm at the end of the first deferral period that he/she was willing to accept a matching offer from a UK purchaser and the Secretary of State subsequently refused an export licence.

Individual export cases

Case 1

A 16TH-CENTURY PRINTED PAMPHLET BY HENRY ROBERTS

This first edition printed pamphlet, *Lancaster his Allarums, honourable assaultes, and Supprising of the Block-houses and Store-houses belonging to Fernand Bucke in Brasill* by Henry Roberts and dated 1595 measures 18.4 x 12.7 cm. It is illustrated with two woodcuts and tells the story of a sea voyage to Brazil undertaken by Sir James Lancaster in 1594.

The applicant had applied to export the printed pamphlet to the USA. The value shown on the export licence application was £114,400, which represented the auction price of £105,600, plus dealer's commission of £8,800.

The Head of British Collections 1801-1914 at the British Library, acting as expert adviser, had objected to the export of the pamphlet 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 sixteenth-century maritime history.

The expert adviser stated that this very rare account of an expedition by Sir James Lancaster in 1594-5 to raid Portuguese possessions in the Canary Islands and Brazil related to one of the most crucial periods in British maritime history, a period which also had a formative influence on the development (and myth) of national identity. Between 1580 and 1640, Portugal was absorbed by Spain, England's bitter enemy. The text, published soon after the return of the fleet, provided a detailed and vivid first-hand description of the fitting out of ships and their crew, the incidents of the voyage, the adventures of the seamen, and the battles which they fought with the Portuguese.

She went on to state that this was the sole edition of *Lancaster his allarums* prior to its republication in 1940 by the Hakluyt Society. Until this present copy was discovered in the library of the Earls of Macclesfield,

where it had probably been for the past 300 years, only two copies were known; both of these were already in institutional libraries in the USA.

In a supporting statement the Head of Library and Manuscripts at the National Maritime Museum said that Lancaster could be considered among the great pioneers building Britain's economic empire with his contemporaries, Drake, Raleigh, Hawkins and Frobisher.

The applicant agreed with the expert adviser that the pamphlet met the Waverley criteria.

We heard this case in June 2007 when the pamphlet 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 £114,400. 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.

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

Case 2

A CARVED AND MARQUETRY BOOKCASE SUPPLIED BY GILLOWS OF LANCASTER TO MRS HUTTON RAWLINSON, 1772

The bookcase, which measures 208 x 127 x 65cm is made largely of mahogany. This highly ambitious piece of furniture, ornamented with both carving and marquetry, is an exceptionally early, fully documented product of the Gillow firm, made for the widow of a substantial Lancaster merchant.

The applicant had applied to export the bookcase to the USA. The value shown on the export licence application was £285,000, which represented an estimated value.

The Keeper, Furniture, Textiles and Fashion Department at the V&A, acting as expert adviser, had objected to the bookcase's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the Lancaster firm of Gillows and the operations of the furniture trade.

The expert adviser said that research had revealed that the bookcase was made by Gillows of Lancaster in 1772 for the prosperous Quaker widow, Mary Hutton Rawlinson, née Dilworth (1715-1786). Her husband Thomas Hutton Rawlinson (1712-1769), the son of a Lancashire ironmaster, had himself been a successful West Indies merchant, trading from the port of Lancaster. Indeed he and later his son Abraham were the principal Lancaster importers of mahogany, which they supplied to Gillows. Gillows' 'estimate book' recorded that this 'Elegant Bookcase' had been made in July 1772 for the use of 'Mrs. Hutton Rawlinson or her Daughter', who was not named. The bookcase was passed down through the family.

The expert adviser went on to say that the prime importance of the bookcase lay in the discovery of the detailed account for its manufacture in the Gillows Archive. So precise was the account – recording, for instance, the use of mahogany veneer on the inside surfaces of the lower section ('finears within the Bottom part') as against solid mahogany in the upper section, the '16 Leaves of Gold & Size' (traces of which have been found on the glazing bars), and the exact number of hinges, screws, bolts and escutcheons deployed – that the bookcase could be securely identified from this written description alone. The attribution to Gillows was endorsed, however, by comparison with two other documented pieces. A chest-of-drawers made for the Duke of Dorset in June 1772 had very similar marquetry on the canted corners. It also had identical drawer-handles.

A less direct but in some ways more interesting comparison could be made with a mahogany bookcase that had the same pattern of gadrooned bracket feet: this was signed by 'Taylor', seemingly William Taylor, partner in the London firm of Gillow & Taylor, which was established in 1769. The other partner, Thomas Gillow, was cousin to the Gillow brothers who, in the same year, took on the direction of the Lancaster firm (and were later to take over the London practice too). The two firms clearly exchanged ideas as well as materials and finished cabinet wares during the short-lived Gillow & Taylor partnership.

The bookcase under consideration was an unusually early documented example of Gillows furniture, made about 40 years after the establishment of the Lancaster firm by Robert Gillow I (1702/3-1772). It was his sons, Richard (1733-1811) and Robert II (1746/7-1795) who from the late 1770s expanded the thriving Lancaster firm, already catering to the local gentry and industrialists, to become one of the leading metropolitan upholsterers of the 19th century, attracting a wide-ranging clientele that embraced the aristocracy and the middle classes. Much was known of Gillows' activity in this later period. However, very little of their pre-1790 production was accredited, let alone fully documented like this piece. The bookcase was all the more important for the intimate connection of its original owner with Lancaster – and indeed with Gillows: the strong likelihood was that it was made of mahogany imported by the Rawlinsons themselves.

The Gillows account was significant not just as a record of the maker and original owner of this piece of furniture, but in addition for its evidence of the operations of the furniture trade, instanced in this bookcase. Furniture historians have frequently pronounced, but can rarely demonstrate, that 18th century tradesmen distinguished the extra costs incurred in the use of especially good materials or refined execution. Here was shown proof: the use of inlay in an object otherwise 'like the Sketch' was noted, together with the 'Extra Cha[rge] for Extraordinary finers [veneers]'. We also learnt that

the carving and marquetry were subcontracted to two other Lancaster cabinet-makers, Thomas and John Dowbiggin. The fact that both tasks, 'Carv^s & Inlaying' – and by implication also the gilding – were carried out by each of them was notable, and may have reflected a difference in furniture making practice between London (where it seemed that there generally was greater division of labour) and most provincial towns.

The combination of carving and marquetry in one piece of furniture was in itself unusual, and quite exceptional for Gillows, who seemed to have made minimal use of either technique in their 18th-century output. Such conspicuous ornamentation was also surprising in a commission from a member of the Society of Friends. Clearly this object opened up a wide variety of questions for the study of taste as well as trade and manufacture. It also had an unusually significant place in the social and commercial history of Lancaster.

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

We heard this case in July 2007 when the bookcase 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 £260,000 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 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 bookcase by Lancashire County Museums Service. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the bookcase had been purchased by Lancashire County Museums Service

for display at the Judges' Lodgings Museum in Lancaster, with assistance from The Art Fund, the National Heritage Memorial Fund, the MLA/V&A Purchase Grant Fund and the North West Regional Development Agency.

Case 3 **A 13-BORE SILVER-MOUNTED FLINTLOCK GUN**

The gun is fitted with a fine earlier Turkish matchlock barrel 123.2cm long, with a lobed silver-inlaid bulbous muzzle, engraved fore-sight, and breech section decorated with arabesques, tulips and flower-heads on a silvered ground and struck with a mark. The butt-plate is dated 1688 and inscribed '*The Barrell Made By Moore Or Turk/ Crisp Made Ye Rest All English Work/ Ye Silver Tried Without Deceit*' and '*Ex Dono Georgy Baron Dartmouth/ Apud Spithead*'.

The applicant had applied to export the gun to the United States. The value shown on the export licence application was £115,000, which represented the price at which the present owner had agreed to sell.

The Curator of Arms and Armour at the Wallace Collection had objected to the gun'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 English gunmaking and silversmithing.

The expert adviser, the Head of Conservation at the Wallace Collection, considered that the gun met all three of the Waverley criteria. The firearm was closely connected with the invasion of William of Orange in 1688, a turning point in British history. Unusually for such items, its early provenance was known, although there was scope for further research into its history and the circumstances of its commissioning from the Gunmaker to Ordnance and Furbisher, Tower of London (1680-1707), Henry Crisp. It was known

that it had been commissioned by George Legge, 1st Baron Dartmouth, who was a key supporter and friend of King James II, as well as being commander-in-chief of the Royal Navy in 1688. He died in the Tower of London in 1691. The expert adviser argued that the gun's history was therefore inextricably bound up with the events of the Glorious Revolution and the career of James II.

The expert adviser said the weapon was the earliest and one of the finest English silver-mounted long-guns in existence, an object of exceptional elegance in form and decoration, strongly demonstrative of the aesthetic environment of England and English art in the late seventeenth century. At this time even fine-quality English guns were more usually mounted in iron, so this example being mounted in silver was of the greatest rarity; it carried the earliest recorded English silver hallmark of any firearm known.

He went on to state that this firearm was also relevant to the studies of English gunmaking, silversmithing and decorative art in general. Its construction incorporated the earliest known example of the use of silver mounts on a long-gun in England, and it was also highly unusual in that it had been built around an earlier, Turkish, barrel. This exquisite silver-inlaid barrel might well have been acquired or captured by George Legge himself; whatever its story, its use in a gun of this quality clearly held great personal significance for him. The fact that the maker then inscribed the butt-plate with a rhyming couplet was highly unusual and evocative, showing both Crisp's sense of humour and his pride in his own craftsmanship: *The Barrell Made By Moore Or Turk/Crisp Made Ye Rest All English Work.*

Although the applicant did not disagree that the gun met the first Waverley criterion, his view was that its importance was much diminished by the fact that the inscription on it only identified the donor and not the recipient or the reason for its presentation. A silver-mounted flintlock gun with a complete and more impressive history recorded on the barrel was already in the collection of the Royal Armouries as

was another, more important flintlock gun of similar type and date. He went on to cite other late seventeenth-century guns superior to the Crisp gun in UK public collections. The applicant disagreed that the gun met the second or third Waverley criteria.

We heard this case in July 2007 when the gun 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 £115,000. 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 deferral period should be extended by a further three months.

We were subsequently informed that the gun had been purchased by the Royal Armouries with assistance from the National Heritage Memorial Fund and The Art Fund.

Case 4 **AN OIL SKETCH BY SIR PETER PAUL RUBENS, MELEAGER AND ATALANTA HUNTING THE BOAR**

The painting, which measures 25.2 x 52 cm, is oil on oak panel. The painting is a depiction of the mythological hunt as recounted by Ovid. Rubens' vigorous composition portrays the dramatic moment when Meleager, Atalanta and the hounds all attack the boar.

The applicant had exported the painting to the USA in error, believing it to have been imported into the UK within the last 50 years. DCMS had commissioned a condition report to ascertain if the painting would be able to travel back to London to be considered by the Reviewing Committee. The condition report did conclude that, although fragile, the painting was in a stable condition. The recommendation was that it could travel with appropriate safeguards. The owner,

however, decided that this was too great a risk to the painting. He was not prepared to allow it to travel across the Atlantic. A reduced, but quorate, Reviewing Committee therefore went to New York to hold the meeting and view the painting there. All related costs were covered by the applicant as they acknowledged responsibility for the mistake.

The value shown on the export application was £3,301,231.44 which represented the auction price of £2,800,000 plus VAT on the auction price of £140,028 plus the buyer's premium of £344,000 and VAT of £17,203.44 payable on the premium.

The Senior Curator, the National Gallery, acting as expert adviser, had objected to the export of the oil sketch of *Meleager and Atalanta Hunting the Boar* under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

The expert adviser stated that although British collections are rich in works by Rubens, our public collections have only one very sketchy representative (National Gallery *Lion Hunt*, 1613) of a major genre in his production, the hunt. This painting is a brilliant summation of the artist's lifetime exploration of animals and humans in conflict.

He went on to explain that the sketch was a vigorous yet resolved template for a larger painting commissioned by Philip IV of Spain, now lost. Hunts were a major theme in Rubens' production and with their mythic and heroic associations, these subjects were eagerly sought across the courts of Europe.

The expert adviser went on to state that *Meleager and Atalanta Hunting the Boar* represents Rubens' most lyrical and pictorial treatment of a theme which he originally conceived as a crowded relief but ultimately depicted in an understated circular composition which exemplifies the controlled energy. In his view the sketch was a masterly display of a genre that went on to inspire artists as diverse as Watteau and Delacroix.

The applicant did not agree that Rubens' oil sketch *Meleager and Atalanta Hunting the Boar* met the Waverley criteria. In relation to the first Waverley criterion, the context of the painting's original execution was unknown. It was subsequently selected in 1639 by Rubens for inclusion as part of a commission of works by the Cardinal Infante Ferdinand on behalf of Philip IV of Spain, as a *modello* for a larger painting of the *Calydonian Boar Hunt* for the king's summer apartments in the Alcázar.

There is no known early link with this country, and the date of its arrival in Britain is unknown. It is first recorded in the country on its sale from the Lake collection in 1845, and subsequently passed through two other owners, one of whom exported it to France, where it was acquired in Paris by Sir Francis Cook in 1868. Except by virtue of its being a part of a British collection, it has no link with the history of Britain and its historical significance lies instead in its being a *modello* for one of the paintings in the Alcázar destroyed in the fire of 1734.

The applicant said that there were a great number of works by Rubens in British public and open private collections, including pictures commissioned by British patrons, most notably Kings James I and Charles I.

Regarding the second Waverley criterion the applicant agreed that the painting was a very beautiful image and of very great quality, but considered that the importance of this sketch within Rubens' oeuvre was arguable. It is a *modello* rather than a completed work, and although it formed part of a Spanish royal commission, it was not conceived as such. The commission consisted of a group of largely heterogeneous works thought to have been assembled by Rubens mostly from independently created works put together on an ad hoc basis, rather than conceived and designed by him as a unified decorative cycle. It was therefore not of the aesthetic importance of sketches for, by example, the Whitehall ceiling, the Marie de'

Plate I: A 16th-century printed pamphlet by Henry Roberts

Plate II: A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772

Plate III: A 13-bore silver-mounted flintlock gun

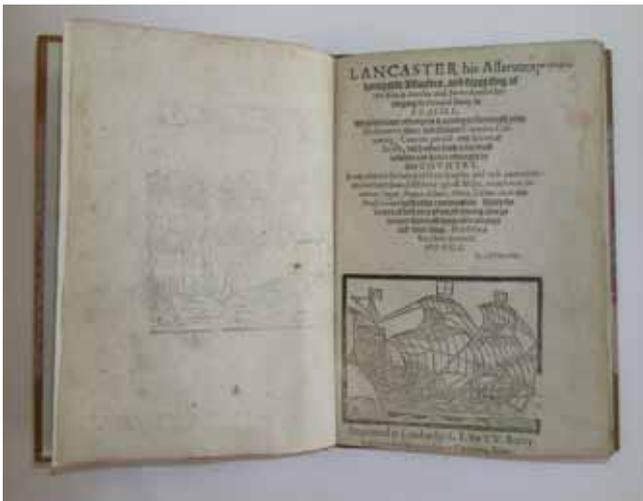






Plate IV: An oil sketch by Sir Peter Paul Rubens, *Meleager and Atalanta Hunting the Boar*

Plate V: A pair of eighteenth-century bronze busts after the antique of *Geta and Plautilla* by Pietro Cipriani

Plate VI: A marble bust of the *Virgin Annunciate* to Domenico Guidi

Plate VII: A portrait by Pompeo Batoni, *Wills Hill, the Earl of Hillsborough, later 1st Marquess of Downshire*





Plate VIII: A painting by Domenico Zampieri, *Pietà*

Plate IX: A painting by J M W Turner, *Lake of Lucerne, from the Landing Place at Fluelen, looking towards Bauen and Tell's Chapel, Switzerland*

Plate X: A portrait of General Wolfe by J S C Schaak





Plate XI: A copy of the warrant for the execution of Mary Queen of Scots

Plate XII: A ledger kept by a 17th-century lead merchant in the Peak District

Plate XIII: An early English brass astrolabe quadrant

Plate XIV: The Dering Roll





Plate XV: A Roman Baroque cabinet on stand by Giacomo Herman

Plate XVI: A painting by John Thomas Seton, *Portrait of Alexander Dalrymple*



Medici cycle or even the Torre de la Parad pictures, of which the ex-Wernher collection sketch by Rubens acquired for the Prado in 2000 (case 5 2000-2001) was an example.

Furthermore the applicant stated that Rubens is well known as a relatively prolific artist. There are approximately 200 paintings by Rubens in collections throughout the country, including all the major galleries and many National Trust and private houses open to the public. Rubens' work has been studied to a vast extent over the years. This picture has never been seen as a work of particular academic importance within Rubens' oeuvre.

We heard this case on 14 August 2007 when the painting was shown to us. We found that it met Waverley criterion two. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £3,301,231.44. 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.

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

Case 5

A PAIR OF 18TH-CENTURY BRONZE BUSTS AFTER THE ANTIQUE OF GETA AND PLAUTILLA BY PIETRO CIPRIANI

The busts are early eighteenth-century bronze casts after antique marble sculptures of third century CE in the Grand Ducal Gallery at the Uffizi in Florence (inv. nos. 1914.n.226 and 1914.w.218), and portray two victims of Emperor Caracalla. The male bust, which measures 46.5 cm in height, shows his brother, Lucius Septimius Geta (189-211 CE), the younger son

of Emperor Septimius Severus. He served briefly as governor of Britain at York, but was murdered by Caracalla in February 211 CE, probably because he was seen as a dangerous rival. The female bust, which measures 62 cm in height, represents Publia Pulvia Plautilla (d. 212 CE), who was the daughter of Gaius Fulvius Plautianus, commander of the praetorian guard, and who married Caracalla in 202 CE. After her father's execution, however, she was banished by her husband, who arranged her murder soon after Geta had been killed, probably because she was seen as one of his associates.

The applicant had applied to export the busts to the USA. The value shown on the export licence application was £650,000 which represented an estimate.

The Senior Curator, Sculpture, Metalwork, Ceramics and Glass at the V&A, acting as expert adviser, had objected to the busts' 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 eighteenth-century baroque bronzes.

The expert adviser informed us that the busts were cast by Pietro Cipriani, who in 1709 had assisted the great Florentine bronze sculptor Massimiliano Soldani-Benzi (1656-1740) in the casting of bronze copies of antique statues for the Duke of Marlborough for Blenheim. Soldani was the greatest bronze caster in Europe in the baroque period, his studio being located in the Uffizi. Cipriani also became a master bronze caster, and was working independently of Soldani by the 1720s, supplying copies of antique sculptures in bronze and plaster to numerous British visitors to Florence, including Horace Walpole.

The expert adviser considered the busts to be outstanding examples of bronzes cast in early eighteenth-century Florence, made by an artist whose close connection with Soldani testified to his expert casting methods, as well as his mastery of chiselling and patina. Cipriani's bronzes clearly depended from

the antique prototypes, but the degree of sensitive finish of the surface of the bronzes, particularly seen in the hair, eyebrows, crisp togas, and the fine golden patina and reflective surfaces of the faces, were distinctive 18th-century qualities, recalling contemporary goldsmiths' work. Geta's childlike face had chiselled eyebrows and lips, and even the whites of the eyes were carefully worked. Plautilla's head was tilted downwards, and her melancholy youthful look seemed to encapsulate her tragic story. Her stylised coiffure, her hair plaited at the back, and her joined eyebrows were again sensitively chiselled. The bronzes were fixed to their original square mottled green verde di Prato marble socles.

The expert adviser stated that the busts were commissioned from Cipriani in 1722 for Thomas Parker, 1st Earl of Macclesfield (1666-1732) by his son, the Hon. George Parker (c. 1697-1764), who was on the Grand Tour from 1719 to 1722, and who spent the winter of 1721-2 in Florence. The artist was commissioned to cast life-size bronze copies of two antique statues, the Medici Venus and the Dancing Faun, at the same time as the busts. All four bronzes were intended for display in the gallery being constructed at Shirburn Castle, Oxfordshire, which Lord Macclesfield had bought in 1716. An eminent lawyer and Whig politician, he was Lord Chief Justice from 1710 to 1718, and Lord Chancellor from 1716 to 1724. In 1725 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 Shirburn Castle, where he is buried. The busts were owned by descent through the family until bought by the present owners after the Christie's sale in London in December 2005.

The expert adviser added that although the two busts worked well as pendants both visually and in terms of their subject matter – two young people both callously murdered by Caracalla, who was the husband of one, and the other's brother – Lord Parker had originally wanted to obtain a cast of a bust of the beautiful youth Antinous as a companion to that of Plautilla. The antique busts of Geta and Plautilla were similar

in date and style to one another, and were displayed together, but were probably not designed as a pair. The bust of Geta was substituted for that of Antinous, perhaps an attractive alternative for Lord Macclesfield, given the subject's historical connection with Britain, as governor of York. Permission for the casting was granted by their owner, Duke Cosimo III de' Medici (1642-1723), on the understanding that the plaster moulds were not to remain in Florence, so that the original classical sculptures could not be widely reproduced. The antique busts were somewhat larger than the bronzes; the Geta was 52 cm. high, and the Plautilla 65 cm. high, since the process of casting would have caused a slight shrinkage.

The expert adviser considered that Lord Macclesfield's bronzes at Shirburn Castle were highly prized from the time of their acquisition, being shown in a gallery specifically constructed for their display at his country seat, an exceptionally early example of a sculpture gallery in this country. These busts epitomised the passion eighteenth-century British collectors felt for classical sculpture. Acquired on the Grand Tour, specially commissioned from one of the most experienced and accomplished bronze casters in Italy at the time, these were eighteenth-century bronzes of the highest order, acquired for one of the foremost and earliest collections of copies after classical sculpture in Britain.

The applicant did not disagree that the Cipriani busts under consideration met the Waverley criteria.

We heard this case in September 2007 when the bronze busts were shown to us. We found that they met Waverley criteria two and three. 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 £650,000 (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 deferral period should be extended by a further three months.

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

Case 6

A MARBLE BUST OF THE VIRGIN ANNUNCIATE BY DOMENICO GUIDI

This monumental bust shows the Virgin Annunciate receiving the news of the Incarnation from the angel Gabriel. The Virgin's head is turned to her left and looks meekly downwards. Her left hand is pressed to her breast and she holds a book in her right hand. Her head-dress billows out behind and some of the drapery of her robe is tucked up over her left arm. The full folds of her robe follow the swing of her body as she appears to turn away from the announcing angel.

The bust is 89 cm high, carved in Carrara marble and attributed to Domenico Guidi (1628-1701).

The applicant had applied to export the sculpture to Liechtenstein. The value shown on the export licence application was £1,500,000 which represented a private treaty contract.

The Senior Curator, Sculpture, Metalwork, Ceramics and Glass Department, at the V&A, acting as expert adviser, had objected to the 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 Italian baroque sculpture in historic British collections.

The expert adviser said the marble was purchased by Charles, 8th Baron Kinnaird of Inchture (1780-1826) probably in 1822 in Rome. Lord Kinnaird had been an avid collector, and housed his important collection of works of art at his seat, Rossie Priory, Inchture, in Perthshire, which he had started building in 1807. The sculpture was one of the core pieces from the collection. Although by the late nineteenth century it was displayed in the library, it may have once been

shown in the great sculpture gallery built by the 8th Baron, which was demolished in the 1950s.

The expert adviser explained that from at least 1890 onwards the sculpture was ascribed to Gianlorenzo Bernini (1598-1680), and was displayed in the library at Rossie Priory. A H Millar had written, 'The statuary in the library consists of... an exquisite piece of sculpture in the pure Carrara marble, toned with age, representing the half-length draped figure of a female saint, which was formerly fixed to the wall of a church near Rome, and is attributed to Bernini.' In 1939 the bust was still in the library at Rossie Priory, and had been described in a contemporary guidebook: 'In the library, a glorious apartment, there is some rare sculpture, including a Seventeenth Century bust by Bernini...'

The more likely author of this bust was in fact Domenico Guidi, Algardi's favourite pupil, who was the leading sculptor in Rome after Bernini's death in 1680. The handling of the drapery and hair in particular recalled some of Guidi's finest works, such as the St Apollonia in the church of Sta Maria degli Abbandonati at Torano, the sculptor's birthplace. The almost rectangular forms of the draperies were also comparable with the work of the contemporary Roman painter Carlo Maratta (1625-1713), and indeed a painting of the Virgin Annunciate by Maratta was owned by the sculptor; the two artists had been very close friends. In the *Zibaldone baldinucciano*, first published in 1691, reference had been made to a half-length figure of the Virgin Annunciate in Guidi's studio ('una mezza figura della Santissima Annunziata, qual'è ancora nel suo studio'). This same sculpture may have remained in the workshop until 1701, when Guidi was gravely ill, along with a second work of the same subject. A letter dated 19 February 1701 from padre Sebastiano Resta to Matteo Marchetti, who was in charge of Guidi's collection, noted that two sculptures of the Virgin Annunciate of three palms in height ('due nunciate di tre palmi') were for sale at 400 scudi each, even if the ladies (probably Guidi's daughter and servant) asked 1,000 for them

('le donne gridano mille'). A palm is 22.34 cm and so three palms would have meant these sculptures were approximately 67 cm high, somewhat smaller than the present piece. The early measurements may however have been inaccurate, and at the very least these documentary references demonstrated that Guidi produced sculptures of this subject and type. Both works were almost certainly documented once again in the inventory of 18 July 1702, after Guidi's death, where they had been described as unfinished ('Dui Mezze figure imperfette di marmo cioè la Madonna et un Angelo', and 'Un busto d'una Madonna non finito'). If one was to be identified with the Kinnaid Virgin, it may have been subsequently completed by one of Guidi's assistants.

The expert adviser thought this work was an outstanding example of Italian baroque sculpture. The handling of the marble was assured and sensitive, particularly on the hair and drapery, and this was typical of Guidi's manner. Although the work had been described as a bust, it was in fact a generous half-length figure of the Virgin which showed her gesturing arms and hands, and was a relatively unusual type. The uncompromising religious subject, redolent of spiritual emotion and expression, was an extraordinary piece to be brought back from Italy by a British visitor in the early nineteenth century.

The collection at Rossie Priory in Scotland was an exceptional and eclectic group of works of art. The 8th Baron Kinnaid, a close friend of Lord Byron, had acquired many important pieces, and this bust stood out as one of the finest. She said this work was probably the most important Italian baroque sculpture in a historic Scottish collection and was a work of the utmost rarity and quality.

The applicant did not disagree that the marble *Virgin Annunciate* met the Waverley criteria.

We heard this case in September 2007 when *Virgin Annunciate* was shown to us. We found that it met Waverley criteria two and three. We recommended

that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,500,000 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 three months.

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

Case 7

A PORTRAIT BY POMPEO BATONI, WILLS HILL, THE EARL OF HILLSBOROUGH, LATER 1ST MARQUESS OF DOWNSHIRE

The painting is oil on canvas and measures 227 cm x 161 cm. It is signed and dated Pompeius Batoni Pinxit, Romae Anno 1766. It depicts the Irish peer Wills Hill (1718-1793) standing alongside his wife's sarcophagus gazing mournfully at her portrait, while Hymen (or Hymenaeus), the personification of the Greek God of wedding ceremonies holds a nuptial torch before it. Wills Hill commissioned the pre-eminent portrait painter Pompeo Batoni in Rome in early 1766 a few months after the death of his wife.

The applicant had applied to export the painting to Rome. The value shown on the export licence application was £2,200,000, which represented an estimate with supporting documentation.

The Curator, Eighteenth and Nineteenth Century British Art, Tate, acting as expert adviser, had objected to the portrait's export under the first and third Waverley criteria on the grounds that as a portrait of the politician Wills Hill 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 this individual and his close connections to national politics and Irish history.

The expert adviser stated that Batoni was, from the 1750s until shortly before his death, the pre-eminent portrait painter in Rome specialising in portraits of those visiting Italy on the Grand Tour, particularly British visitors. This portrait was something of an exception in Batoni's oeuvre since it is the product of Hill's grief at the death of his wife. She had died, aged 37, in Naples in January 1766 a couple of months after they had arrived in late 1765 to try and restore her health. Wills Hill left Naples some weeks later, arrived in Rome in March 1766 when he sat to Batoni, passed through Florence in April-May and was back in England by early August.

Batoni was famous for his likenesses and also for his great studio skill in placing his sitters alongside some of those famous works of ancient classical sculpture which they had come to see. In this case Batoni shows a man in the midst of a personal tragedy but also an ambitious politician on the brink of a career which was to significantly and adversely shape Anglo-American relations over the next few years and, along with others, bring his country step by step closer to the War of Independence in 1775.

As well as emphasising the sitter's close connections to our past internal affairs of state, the expert adviser underlined Wills Hill's significant place in Irish history. Hill was from a long established Irish family. The Public Record Office of Northern Ireland (PRONI) in Belfast holds about 50,000 documents and volumes of the family's political and general correspondence from 1707-1868 and estate correspondence and legal and financial records of 1523-c.1953 relating to the Irish and English estates of the Downshire family.

In this archive there are approximately 600 letters and papers, 1774-1793, of Wills Hill. There are letters and papers from Hill's time in politics and in Cabinet and also about the management of his County Down estate. Hill rebuilt the family mansion, Hillsborough Castle. Since 1922 this has been owned by the British Government and from 1972 it has been the official residence of the Secretary of State for Northern Ireland: the Good Friday Agreement was signed there in April 1998.

The applicant disagreed that the portrait met any of the Waverley criteria. In his view although Batoni is a noteworthy artist, he cannot be regarded as an artist of UK cultural importance. Furthermore he believed that as the portrait, is of an individual and was commissioned privately, it cannot be regarded as being of outstanding national importance. Although the painting is a good example of Batoni's Grand Tour portraits, a superior example of the same date is already owned by the National Trust and on public view in the UK at Fyvie Castle: *Colonel the Hon William Gordon*. The applicant also made the point that as Batoni was so popular with British grand tourists there are records of over 200 portraits by him of British patrons visiting Rome. There are so many examples of Batoni's portraits in UK private and public collections that this portrait could not be considered a rarity in this country.

We heard this case in September 2007 when the portrait was shown to us. We found that it met Waverley criterion on three. 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 £2,200,000 (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 deferral period should be extended by a further four months.

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

Case 8

A PAINTING BY DOMENICO ZAMPIERI, *PIETÀ*

A devotional oil painting on copper of the *Pietà* with Joseph of Arimathea, dated 'M-DCIII' at lower left (1603). The dimensions of the painting are 52.4 x 39.1 cm.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £3,104,200 which represented the auction price plus buyer's premium and VAT on the premium.

The Senior Curator, 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 art history.

The expert adviser had stated that this was an exceptionally beautiful painting created by Domenichino in homage to his master, Annibale Carracci, and to the new style that he had forged in the immediately preceding years in Rome. He argued that, although the classical Baroque style today lacked the popularity of Caravaggio's realism, it was to have a far more profound impact on the art of succeeding centuries, and this painting represented a major early statement in its development. The impressive balance of colour and chiaroscuro endowed the painting with great presence, which could be fully appreciated owing to the very fine condition.

Following his studies with Ludovico Carracci in Bologna, Domenichino had moved to Rome in 1602 to join the team of artists working under Annibale at the Palazzo Farnese. The *Pietà*, dated the following year, was the

first of five paintings that Domenichino modelled on prototypes by Annibale in the succeeding decade: *Susanna and the Elders*, 1603 (Rome, Doria Pamphilj), *Madonna del Silenzio*, ca. 1605 (Paris, Louvre), *Adoration of the Shepherds*, 1607-08 (Edinburgh, National Gallery of Scotland), and a lost *Pietà* of 1611-12. In contrast with the National Gallery's *St Jerome*, painted shortly before and more under the influence of Ludovico, the *Pietà* was an early demonstration that the artist would succeed Annibale as the leader of the classical school of painting in Rome.

Domenichino's *Pietà* virtually reproduced the *Pietà with St Francis of Assisi* (Louvre), an altarpiece designed by Annibale before 1603, but not completed until 1607, largely with workshop assistance. The painting was intended for the Mattei Chapel in San Francesco a Ripa, Rome, which occasioned the inclusion of St Francis. In Domenichino's painting, this figure was replaced by Joseph of Arimathea, which perhaps reflected Annibale's initial conception, but more likely represented Domenichino's 'correction' to achieve dramatic and visual unity. Domenichino also extended the range and intensity of Annibale's austere colours to vivid effect. Exhibiting the artist's inclination toward restraint, the Virgin was quieter and less mournful, and the execution was meticulous.

Bolognese/Roman exponents of the classical style valued the imitation of 'perfect' representations of subjects and, as Annibale was the leader of the school, his works were especially esteemed. Annibale's design for the *Pietà* was considered one of his greatest by the theorist Giovanni Battista Agucchi, and Domenichino clearly concurred in this view. This painting was the first example of Domenichino's particular reverence toward and adherence to Carracci prototypes. The expert adviser said it was of great significance because it was one of the earliest examples of the authority of 'perfection'. It might also be considered the prime version of the composition because it was produced far earlier than its larger counterpart and clearly with Annibale's blessing.

The applicant did not consider that the *Pietà* by Domenico Zampieri met the Waverley criteria. In her view the lack of information about the painting's early history, together with its broken provenance whilst in the possession of the Earls of Yarborough meant that it was difficult to regard this work as closely connected with either our history or our national life. In relation to its aesthetic importance, the applicant acknowledged its excellent state of preservation but considered it a reduced copy after the large altarpiece by Annibale Carracci, *Pietci with Saint Francis*. Although there were alterations, most notably the substitution of Saint Francis with the figure of Joseph of Arimathea, the picture could not be regarded as an original composition by the artist. Nor, in the applicant's view, was it of outstanding significance for study as it provided no additional information on the composition of Carracci's altarpiece.

We heard this case in October 2007 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 £3,044,000 (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 deferral period should be extended by a further four months.

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

Case 9

A PAINTING BY ROELANDT SAVERY, THE TEMPTATION OF SAINT ANTHONY, 1617

The painting, which is oil on panel and measures 49.1 x 94 cm, depicts a wild, mountain wilderness with Saint Anthony in the shadows of the foreground.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £1,750,000, which represented an agreed sale price.

The Senior Curator, Netherlandish, Dutch and Flemish Art, National Gallery Scotland, acting as expert adviser, had objected to the painting's export under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

Roelandt Savery (Kortrijk 1576-1639 Utrecht) was born into a Dutch family of artists who were of Flemish extraction. As Anabaptists, Savery and his brothers would have been forced to leave their native Flanders in around 1580 to avoid Spanish persecution. By around 1585, the family had settled in Haarlem. Savery was trained there by his brother Jacob Savery I (c.1565-1603). After the latter's death, Savery went to Prague, where he worked for Emperor Rudolf II. He remained in Central Europe until 1613, by which time he was serving as court landscape painter to Matthias, Rudolf's successor. Savery returned to the Netherlands, staying in Amsterdam until 1619, at which time he moved to Utrecht. Savery never married. He produced little work in his last years, and died poor and mentally confused in Utrecht.

Savery was prolific, producing over 500 drawings and paintings. After his return to the Netherlands, he concentrated on paintings, creating flower-pieces, animal subjects and landscapes with an Alpine flavour. They are characterised by close observation and great originality.

The Temptation of Saint Anthony was painted four years after Savery's return to the Netherlands, while he was in Amsterdam. The sweeping panorama seen from a high viewpoint is typical of the Flemish landscape tradition in which the artist was trained. So, too, is the colouration, which fades from green to blue on the far horizon. But Savery also integrated what he would have seen during his ten-year sojourn in Central Europe. The tall trees and rocky, Alpine landscape were based on Savery's detailed studies of the Austrian Tyrol. This wild, mountain wilderness features a dramatic waterfall and plunging views into the far distance. Into this sweeping landscape, Savery added woodland plants and animals in extraordinary detail.

The actual subject of the painting is tucked into the shadows in the foreground to one side of the picture. St. Anthony Abbot, a Christian saint and hermit, was born in Upper Egypt in 251 AD. According to historical accounts, he lived to the astonishing age of 104. He lived in solitude in the wilderness for many years, where he was plagued by vivid hallucinations. Here, St Anthony is shown being tormented by 'temptations' in the form of demons.

The subject was unique in Savery's known painted oeuvre. Its conception was, however, consistent with several paintings that Savery produced after his return to Amsterdam of St Jerome, and was also close to a large group representing The Flood and Orpheus and the animals. These were characterised by the relegation of the main subject to a minor part in a fantastic, sweeping landscape that includes highly detailed renderings of flora and fauna.

The expert adviser reported that the condition of the painting was outstanding. Painted on a relatively large oak panel, the surface had remained fresh and the colours clear and bright.

In conclusion the expert adviser stated that this painting was a superb example of Savery's work. That having been said, she did not consider this to be a clear-cut case; whilst Savery was a prolific artist

whose work was important, it was not perhaps at the summit of Netherlandish painting. Furthermore, his work was already relatively well represented in British public collections including the National Gallery in London, the Fitzwilliam Museum in Cambridge, the Ashmolean Museum in Oxford and the Cooper Art Gallery in Barnsley. However, this was the finest landscape painting by Savery in Britain and the only significant example of his Alpine scenes in the country. Accordingly, it could be considered an object of outstanding aesthetic importance.

The applicant did not agree that the painting met the Waverley criteria. The painting was unknown to scholars before 1984 when it came to light. Its known provenance was that it had been in a Spanish collection in the 17th century. In relation to the second Waverley criterion the applicant considered that Savery's most important and artistically acclaimed works were those he painted in Prague at the Court of Rudolf 11 where he was based from 1604 until 1613. On his return to Amsterdam, Savery continued to paint themes that he had developed in the Prague years, often with refinement, but these works lack the aesthetic quality in terms of groundbreaking use of colour, structure or form, of those earlier works produced at the Rudolfine Court. As the applicant did not consider the painting to be outstanding in the context of the artist's work it followed that it did not have significance for the study of a particular branch of art, learning or history.

We heard this case in October 2007 when the painting was shown to us. We found that Savery's *Temptation of Saint Anthony* did not satisfy any of the Waverley criteria and recommended that an export licence be issued. An export licence was issued.

Case 10

A 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, which measures 66 x 99.1 cm, is watercolour with some scratching out on paper and is signed with the initials 'JMWT' in the bottom right. It shows the mountains encircling the village of Fluelen, 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 Jersey. The value shown on the export licence application was £2,000,282.50, which represented a private sale price.

The Curator of British Art at Tate Britain, 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.

This item had previously been before the Committee in May 2006 and had been found to meet the second Waverley criterion. On that occasion, the application had been withdrawn before the end of the first deferral period. A report of the case hearing was included in our Annual Report for 2006-07.

The expert adviser remained of the opinion that this painting was Turner's finest watercolour painting.

As previously reported the expert adviser considered that J M W Turner was Britain's most pre-eminent watercolour artist and *Lake of Lucerne, from the Landing Place at Fluelen* 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. Of these 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, and at the same time offered 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 Art 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’.

The expert adviser considered that the four watercolours exhibited in 1815 were conceived as a group, and said it has been convincingly argued 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 whilst 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 caught the eye and approval of many commentators. Later Ruskin 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 confirmed that, despite some slight fading, *Lake of Lucerne* had been preserved in exceptionally good condition.

The applicant did not agree that the painting met the Waverley criteria. In their opinion the painting was not connected with our history or national life as it was one of Turner’s many views of Lake Lucerne in Switzerland. Whilst the applicant did not dispute that this was an outstanding picture, they did not consider the painting to be of outstanding aesthetic importance in the context of Turner’s work. Furthermore they pointed out that there were many other paintings by Turner of the same scale and impact already in Britain’s museums. Finally, they did not agree that the painting was of outstanding significance for study as the subject of this work was already widely represented (they reported that eight of the 20 paintings of or from Lake Lucerne were in museums in the UK). In addition, of the 53 drawings of Swiss subjects, made during Turner’s Swiss tour of 1802, and subsequently to 1832, the applicant reported that 20 were already in museums in Britain.

We heard this case in October 2007 when the painting was shown to us. We found that it met the second Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,960,400 excluding VAT (£2,000,282.50 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 four months.

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

Case 11**A PORTRAIT OF GENERAL WOLFE
BY J S C SCHAAK**

The small but full-length portrait measures 35 x 30 cm. It was painted in oil on canvas by J S C Schaak c.1760.

General Wolfe is depicted in an attitude of command standing on the shore of the St Lawrence River as his troops scale the Heights of Abraham beyond. He is shown with unpowdered hair, wearing a tricorne hat with cockade and a plain red coat with a black armband indicating mourning for his father.

The applicant had applied to export the portrait to the USA. The value shown on the export licence application was £308,750, which represented the hammer price at auction plus the buyer's premium and VAT on the buyer's premium.

The 18th-Century Curator, National Portrait Gallery, acting as expert adviser, had objected to the portrait'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 material culture relating to the development of the eighteenth-century cult of the hero.

In the expert adviser's view the portrait under consideration was the most important portrait of General Wolfe. He was the victor of the Battle of Quebec and hero of the Seven Years War. His conquest of the city heralded the birth of the British empire and his death at the moment of victory earned him a reputation as a patriotic martyr that was unmatched by any British hero until Nelson.

Based on a drawing attributed to Harvey Smyth, Wolfe's aide-de-camp, and owned by Lt Col Henry Fletcher, who commanded the 35th Regiment at Quebec, this portrait is closely connected to the sitter and shows him at the moment of his most important contribution to British history.

Little is known about the identity of the artist J S C Schaak (fl.1760-70). He is listed as a portrait painter in Westminster in 1763 and is recorded as exhibiting at the Free Society of Artists and the Society of Artists of Great Britain. Of the sixteen signed works that have survived, all are portraits and date from 1762-70. Three show military figures – the 1766 *James Wolfe* and two equestrian portraits of unknown sitters. Two of his signed works are in public collections: *Charles Churchill*, c.1763-4, National Portrait Gallery, London (NPG 162) and *Matthew Boulton*, 1770, Birmingham Museum and Art Gallery, Soho House, Handsworth. To these may be added the bust-length portrait of Wolfe attributed to Schaak in the National Portrait Gallery, London (NPG 48).

Although the portrait is not signed or dated there is evidence to suggest that it was the first portrait of Wolfe to be publicly exhibited. In 1762, Schaak exhibited a 'small whole length of General Wolfe' at the Free Society of Artists, London.

The importance of Schaak's portrait is found in its close links to the subject and the moment depicted and the large number of engravings that derive from it. The news of Wolfe's death prompted the hasty printing of entirely fictitious portraits of the hero. The appearance of the Schaak type of portrait, published in the *Grand Magazine of Universal Intelligence* in 1760, was promoted as a remedy to the false portraits then in circulation.

The picture has a good provenance, remaining in the Fletcher family until 1966, after which point it was loaned to the National Trust and displayed at Quebec House, Wolfe's childhood home, between 1976 and 2006.

The applicant did not agree that the portrait met the Waverley criteria. He stated that there were numerous portraits of Wolfe and the best of these were already on display in public collections in Britain and Canada. He considered J S C Schaak an artist of relatively little merit who never portrayed Wolfe from life.

He believed the painting under consideration was one of probably three versions of the same picture.

We heard this case in October 2007 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 £300,000 (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 portrait, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the portrait by the National Army Museum. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the portrait had been purchased by the National Army Museum with assistance from The National Heritage Memorial Fund, the Garfield Weston Foundation, The Art Fund and the Society of Friends of the National Army Museum.

Case 12

A COPY OF THE WARRANT FOR THE EXECUTION OF MARY QUEEN OF SCOTS

The warrant is a two-page folio paper document, dated 1 February 1586/7, containing the text of the warrant for the execution of Mary Queen of Scots, annotated by Robert Beale, principal clerk to the Privy Council of Elizabeth I, and retained by Henry Grey, 6th Earl of Kent, one of the principal commissioners for the trial and execution.

The applicant had applied to export the document to the USA. The value shown on the export licence application was £78,525, which represented a conversion from a private treaty sale of \$145,000, plus a handling charge. The value was changed to £72,485.50 to reflect the exchange rate on the day of the sale.

The Head of Modern Historical Manuscripts at the British Library, acting as expert adviser, had objected to the document'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 execution of Mary Queen of Scots.

The expert adviser stated that the document was an integral part of a small archive concerning the execution of Mary Queen of Scots. The archive derived originally from the papers of the Earl of Kent and had subsequently become part of the collection of the celebrated antiquary and jurist John Selden (1584-1654) and had descended in the family of his executor, Matthew Hale, until the 1930s. The copy of the warrant was very probably an enclosure in the Privy Council letter to the Earl of Kent, ordering the enactment of the execution, which had also been part of the small archive that had been sold as a separate lot in the same sale as the warrant.

The expert adviser said that Mary Queen of Scots, with her claims to the crowns of Scotland and England, her beauty and charisma, disastrous marriages and love affairs, and years of imprisonment at Fotheringay with the plotting which surrounded them, had long been a heroine of popular history as well as a subject of major academic study. Her execution, ordered after great agonising by her much more politically adept cousin, Elizabeth I of England, was one of the best known and most dramatic events in British history, frequently depicted in historical narrative, fiction and art. The circumstances and documentation surrounding the issue of the execution warrant had been the subject

of close study in their own right. The expert adviser thought that by close study of the document's archival context and textual features it could be shown to be the primary surviving text of the warrant and to have played a real-life part in the drama of the execution.

The warrant was addressed as letters patent from Elizabeth I to the five commissioners, the Earls of Shrewsbury, Kent, Derby, Cumberland and Pembroke, who sentenced Mary. Reflecting the momentousness of the execution, Elizabeth's prolonged hesitation about it and the particular need for public justification, it set out in dramatic and emotional terms how the Parliament advised the Queen to carry out the execution and finally how the Queen gave way 'contrarie to our own naturall disposition' and 'condescended to suffer justice to take place'. It authorises the commissioners 'to repair to our Castell of Fotheringhaye, where the said queene of Scottes is in Custodie' and 'cause by your commaundement execution to be don vppon her person'.

No original of the warrant had survived. It was likely that it was deliberately destroyed in the aftermath of the execution, when the Queen reacted violently against all those involved. In its absence the copies of Robert Beale were the primary evidence of the outstanding historical text. The present document was in a professional secretary hand, with marks and annotations in black ink in Beale's distinctive hand.

As Clerk to the Council and 'a person of great trust and experience', Beale was the bearer of the Privy Council letter to the Earl of Kent, ordering the execution to proceed. The copy of the warrant before the Committee, which was preserved with the letter until their separate sale, was best accounted for as that provided by Beale and the Privy Council for Kent's retention, with the former's underlinings emphasising that the commissioners must now get on with the task. The connection was noted in the sale catalogue entry when the documents were sold together in 1946. Beale, along with the commissioners, then went on to Fotheringay, where the warrant was read aloud.

The expert adviser observed that, as one would expect with such a significant state document, there were other copies. Beale's own retained copy was preserved as part of a large compilation of his papers relating to Mary Queen of Scots. There were at least four other transcripts in contemporary or seventeenth-century compilations of state documents, but none with a close connection with the event itself. The present copy was the one with clearest evidence of having played a real life part in the drama.

The applicant argued that the manuscript did not meet the Waverley criteria. He said there were a number of extant contemporary scribal copies of the warrant, including three in the British Library, one of which was Robert Beale's own retained copy. Sotheby's also referred to a copy or copies in the National Archives.

Of the copies, Beale's retained copy (as distinct from the present document which was retained by the Earl of Kent) was probably the most important. Beale, clerk of the Council, was sent post-haste to show the warrant to the Earls of Shrewsbury and Kent and to give them their letters of appointment. It was Beale who read out the warrant at the execution. His copy of the warrant was bound in a highly important, quasi-official volume of letters and papers that he assembled concerning the conspiracies and plots involving Mary Queen of Scots, her trial, and her execution. It was this volume that contained the famous ink and pencil drawings, often reproduced, of the trial and the execution of Mary.

The applicant said the provenance of the present copy (6th Earl of Kent) was also interesting although there was some evidence that the text was not particularly good. When it had passed through Beale's hands he had added a 'facsimile' of Elizabeth's signature at the top, three cryptic marginal marks, and a docket. Someone had underlined references to 'you' and 'your' throughout. Details of the 'manner and forme' in which the execution was to be carried out were also underlined.

Collating the present copy with Harl. MS. 290 as printed in the *Calendar of State Papers, Scotland* revealed a number of verbal variants that did not really change the sense, but also:

This copy omitted 'Defender of the Faith' from the Queen's title, which was a very odd omission given that the purpose of the warrant was the execution of the Catholic Mary.

There was another careless omission: '... by these presents we doe will comaunde and authorise our Chancellelor of England at the requeste of you all and of everie of you [*"to cause" omitted*] the duplicat of these our letters patentes to be to all purposes duellie made dated and sealed with out greate Seale of Englande as these presents are'. Omission of 'to cause' destroyed the sense.

The applicant said it appeared that the scribe had not had his mind wholly on the task. He submitted that adding yet another copy of the execution warrant to the national collections was not a matter of such outstanding significance as to meet the Waverley criteria.

We heard this case in October 2007 when the manuscript was shown to us. We found that it met the first 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 £72,485.50. 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 warrant, 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 manuscript by Lambeth Palace Library. We were subsequently informed that the manuscript had

been purchased by Lambeth Palace Library with assistance from the Trustees of Lambeth Palace Library, the Friends of Lambeth Palace Library, the Friends of the National Libraries, the MLA/V&A Purchase Grant Fund and the National Heritage Memorial Fund.

Case 13 **A LEDGER KEPT BY A 17TH-CENTURY LEAD MERCHANT IN THE PEAK DISTRICT**

This large paper volume of narrow folio format records, in debit and credit ledger form, transactions by an unnamed merchant concerning the lead trade in the Peak District of Derbyshire, extending into Staffordshire and South Yorkshire, over a period of more than thirty years, 1668-1700. The content covers approximately 400 closely written pages, contained within the original vellum binding with brass clasps.

The applicant had applied to export the ledger to the USA. The value shown on the export licence application was £3,770, which represented a hammer price of £2,900, plus buyer's premium of £580 and dealer's commission of £290.

The Head of Modern Historical Manuscripts at the British Library, acting as expert adviser, had objected to the ledger's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the Peak District's history.

The expert adviser said the ledger was previously unknown and unstudied and there were no published references on record. She stated that it was the earliest surviving extensive record of the lead trade of the Peak District at a period when it was central to the economy of that region. It had a considerable importance in a national context as well, since it related to a period when over half the nationwide production of lead (a material of key importance, used for a range of products from domestic utensils to lead shot), came from that region.

Apart from brief references to William Cavendish's trade in the 1590s in private ownership at Chatsworth, this volume comprised the earliest known and certainly most extensive surviving record of the Derbyshire lead trade. With its prolific details of moneys paid or lent, quantities and prices of pigs or 'fodders' of lead purchased and the merchant-marks put on them, and the individuals and places involved, it provided much unique information about the organisation and conduct of the lead trade in the second half of the seventeenth century. The exceptional range of this volume was apparent from the closest comparable material to be identified: a much more limited 28 page set of accounts in the regional record office, kept by Lawrence Oxley, lead merchant of Chesterfield, between 1672 and 1681, in which the detailed accounts ended in 1678. The ledger would both complement Oxley's accounts (Oxley was one of the local names mentioned in it) and provide much more detailed material for research. Oxley, for example, recorded shipments of lead to London, but unlike the ledger, provided neither purchase nor transport costs. The ledger's dense day to day detail had much to reveal of the complex family-based and wider networks and ways of transacting business. As more records had hitherto been known to survive for lead mining than for its trade, this volume was of particular importance in helping to build up a more complete picture of the whole process.

The accounts were important for the period they covered, as well as for their extent and detail. They illustrated a key period of change in the industry. After the Civil War and the Restoration the rapid expansion of the lead industry was closely associated with social and political as well as economic developments in the region. A significant number of local landowning families had made their fortunes in the lead trade and this changed the pattern of older power structures in the county. However, by the 1660s many major landowners had withdrawn from the trade, retaining only investments in mines and mineral duties, and commerce was undertaken by a new generation of entrepreneurs and self-made men, of whom the compiler of these accounts appeared to have been an important example.

The context in which the potential of this volume for detailed study could be best realised was local and regional. The merchant (whom close study of the accounts and related records might serve to identify) had accounts with a large number of named suppliers, customers and founders. Many of these were clearly from local families known to have been involved in the lead trade (Hutchinson, Wigley, Fearn, Oxley, Spateman, Bagshaw, etc.). The most closely related records were all held regionally, from the parish registers and estate papers which would help to identify the many individuals mentioned more closely, and records of individual mines (for example those relating to Raventor lead mine in Wirksworth, c.1664 to c.1670 in the local record office), to the archives of important gentry families engaged in lead production, such as the Cavendishes of Chatsworth and the Gells of Hopton.

Lead production over the centuries had done much to determine the character of the Peak District landscape, which was full of survivals of the various workings. There was strong local interest in these and an established context for investigation, in which archaeological methods were used in combination with the written record.

The applicant said this was a ledger dated 1667/8 to 1700 of a merchant purchasing lead from about 20 named persons, presumably mine owners, in various towns and villages in Derbyshire (a few place names in Staffordshire or the West Riding). Each of the sellers had his own section in the ledger, sometimes more than one section when space ran out. Payment was mainly by cash, occasionally by services such as assaying or other means. There were also some miscellaneous transactions (loans, a purchase of cattle, etc) but the fundamental business was lead. The accounts were 'cleared' (balanced) at regular intervals. The ledger did not identify the merchant. There had once been some writing on the front cover, but this was partly torn away and wholly illegible. There was also no evidence of where or how the merchant sold all the lead that he purchased. The applicant suggested he must have

kept a corresponding ledger of sales. He submitted that the ledger, while an interesting relic of the lead trade, was not of sufficient importance to meet the Waverley criteria.

We heard this case in October 2007 when the ledger 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 £3,770. 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 ledger, 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 ledger by Derbyshire Record Office. We were subsequently informed that the ledger had been purchased by Derbyshire Record Office with assistance from the Friends of the National Libraries and the MLA PRISM Grant Fund.

Case 14

AN EARLY ENGLISH BRASS ASTROLABE QUADRANT

The astrolabe quadrant is made of brass and has a radius of 7 cm. It was made in the fourteenth century. It was found in July 2005, associated with other medieval material, on the site of an earlier inn just outside Canterbury Westgate on the road to London. It was previously unknown.

Both sides of the small, flat, brass quadrant are engraved. One has a shadow square (for measuring heights on the earth), unequal hour lines (for telling the time in the medieval unequal hour system), lines for the trigonometrical functions sine and cosine, a 'folded' zodiacal scale with the names of the signs, a single 'folded' horizon line (for 52 degrees north, for

use in England), and on the limb scales for the degrees of the signs, altitude and right ascension. On the verso are concentric calendar scales for the lunar cycle and the corresponding date of the Easter Moon, related by an eagle-shaped moveable index. The eagle feature is unique. Considering the item's age and the circumstances of its discovery, it is in very good condition.

The applicant had applied to export the astrolabe quadrant to Switzerland. The value shown on the export licence application was £350,000, which represented the sale price the owner had agreed with their buyer.

The Director of the Museum of the History of Science, University of Oxford, acting as expert adviser, had objected to the astrolabe quadrant'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 history of science.

The expert adviser considered that the small size (it is the smallest known example) together with the fact that it was found in a dated context, are of great importance: the instrument was clearly meant to be portable and yet its use requires a significant amount of mathematical and astronomical knowledge. Only seven other examples of this general type of instrument are known in the world: four are in museums in France, Germany and the USA; only one is known to be English, the one belonging to Merton College, Oxford, and it is unlike the current example in a variety of ways. The relationship between this one and the Merton College one, its provenance, the position of its horizon line which would only work in southern England and its non-specialist manufacture all point to it being made in England.

The history of scientific instrument-making and use in Britain is fairly well researched and recorded from the beginnings of a commercial trade in the 16th century. Much less is known about medieval instruments, though a small number (astrolabes, quadrants and sundials) have survived. Where they have early provenance, it tends to be associated with sites of learning, such as Oxford and Cambridge colleges. In this case it is significant that we have every indication of an instrument lost by a traveller and it has great potential for extending our knowledge of medieval mathematical literacy and the currency of portable instruments. The extreme rarity of the instrument, combined with its unusual and secure provenance give the quadrant its outstanding significance.

One other astrolabe quadrant is known to be English, the much larger example at Merton College, which has important technical differences, such as to make the item under consideration unique (for example, the use of a single horizon line and the eagle index). It is unique also in the story it can tell outside university learning, a story linked to the history of Canterbury and the society as well as the writings of Chaucer.

The applicant argued that the astrolabe under consideration is similar to the Oxford example. The applicant also expressed the view that the new owner would be prepared to make the instrument available for academic study in this country for an agreed period.

We heard this case in November 2007 when the astrolabe quadrant was shown to us. We found that it met the third Waverley criterion on the grounds that it was of outstanding significance for the study of the history of science and scientific instruments outside the academic context in the medieval period.

We also 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 £350,000 (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 astrolabe quadrant, 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 astrolabe quadrant by the British Museum. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the astrolabe quadrant had been purchased by the British Museum with assistance from The National Heritage Memorial Fund, The Art Fund and The British Museum Friends.

Case 15 **THE DERING ROLL**

The decorated manuscript roll of arms on vellum was made in England, probably Dover, in the last quarter of the 13th century. It is made from four membranes and overall measures 264.5 cm long and c.21 cm wide. Fifty-four rows of armorial shields are depicted, six shields per line with accompanying names in an accomplished English cursive documentary script. The manuscript contains the coats of arms of approximately one-quarter of the English baronage of the reign of King Edward I. There are some 16th-century additions of marginal numbers and some 19th-century writing on the reverse. There is also some fading, wear and flaking to be expected from a roll and a few very small losses from the outer edge of the membranes. However, overall the condition is good with a small amount of modern repair.

The applicant had applied to export the manuscript to the United States. The value shown on the export licence application was £192,500, which represented the hammer price at auction plus buyer's premium.

The Curator of Medieval Manuscripts at the Bodleian Library, acting as expert adviser, had objected to the Dering Roll'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 early English heraldry.

The expert adviser considered the Dering Roll to be a key document of medieval English knighthood as well as providing insight into the interests and methods of one of the earliest English antiquarians. As a statement of the knights who owed feudal service to the constable of Dover Castle, it carried outstanding local as well as national significance.

From its contents the manuscript could clearly be shown to be associated with Dover Castle, and was probably commissioned by its constable, Stephen of Penchester. Since Sir Edward Dering served as lieutenant of the same castle, it is entirely likely that the roll was still in the same place when he acquired it in the 17th century. It was unclear how it could then have been in the possession of intermediate owners, Hugh Fitzwilliam of Sprotborough and 'Mr. Knevet'. With further study the ownership inscriptions on the reverse of the roll could help fill in the missing stages in the provenance of the manuscript.

The Dering Roll belonged to the period when heraldry was coming to be regulated by well defined rules: the earliest surviving treatise on the subject, the anonymous 'De Heraudie' (written in Anglo-Norman French), probably dated from the same period. Heraldic displays, whether on rolls of arms or carved in stone (as in the nave of Westminster Abbey), were visual demonstrations of the relationships underpinning political communities.

The composition of the roll, if not its execution, must have been the work of a specialist herald. In wartime heralds had important functions in the field and (because of their immunity from hostile action) in diplomacy. They were also the new experts in matters of armoury and secular ceremony. By the late

13th-century heralds had assumed an established and professional position, being regularly paid and wearing the coats of arms of their masters. Their command of genealogy and blazon was matched by their concern for the literature and mythology of chivalry.

The heralds produced several distinct kinds of document: general rolls, the largest group; occasional rolls, giving the names and arms of those present on a particular occasion, usually a siege or tournament; local rolls; and ordinaries, in which the shields are grouped by their designs for the purposes of identification. The Dering Roll is the earliest local roll. Its relation to Dover Castle has been established. There were nine custodies at Dover, each of which maintained a house in the castle. Castle-guard, which could be done in person, by a deputy, or by the payment of a fixed sum, was due from the fees that made up the nine custodies. The use of stipendiary knights from the continent may explain the presence in the last six rows of the roll of shields from northern France and the Low Countries.

At the time the Dering Roll was made, the decision to present its information in a roll and not a book was perhaps not automatic. Were coats of arms produced in roll form by analogy with genealogical rolls or because they were intended for public display? The physical form of the Dering Roll is not the least of the clues it can give to its original function.

The applicant presented the case that the Dering Roll was associated with English history and was significant because it was apparently the oldest English roll of arms surviving as an original roll, but that it was of collector's interest as a relic rather than as a resource for study. In his view the roll was not unique in the information it conveyed. The armorial shields shown on the roll had been widely represented in medieval life and survive today in a variety of media: seals, wall paintings, buildings, clothing, furniture, domestic plate and tiled floors. Good quality photographs and the later copies of the roll could provide all the information a researcher would require.

We heard this case in February 2008 when the manuscript was shown to us. 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 £192,500 (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 Dering Roll, 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 Dering Roll by the British Library. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the Dering Roll had been purchased by the British Library with assistance from the National Heritage Memorial Fund, The Art Fund, the Friends of the British Library, the Friends of the National Libraries, and numerous donations from individual supporters.

Case 16

A PAINTING BY REMBRANDT VAN RIJN, *PORTRAIT OF A MAN LAUGHING*

In March 2008 we considered an application to export a painting by Rembrandt van Rijn, *Portrait of a Man Laughing*. We concluded that the painting satisfied the second and third Waverley criteria. The application for an export licence was subsequently withdrawn. Consequently, no decision on the application was made by the Secretary of State.

Case 17

A ROMAN BAROQUE CABINET ON STAND BY GIACOMO HERMAN

The ebony veneered cabinet measures 284 cm high (max), 172 cm wide (max) and 72.5 cm deep (max). It has applied mounts of jasper, lapis lazuli and gilt bronze. The drawers are applied with gouache miniatures depicting the basilicas and monuments of Rome. The lower central drawer contains a virginal by *Giovanni Battista Maberiani* dated 1676 and the whole is surmounted by a nocturnal clock signed by *Giovanni Wenderlino Hessler* of Rome below an equestrian figure. The cabinet rests on an early 18th-century carved giltwood console table or stand with a veneered marble top.

The applicant had applied to export the ensemble to Italy. The value shown on the export licence application was £1,108,037.50, which represented the hammer price at auction plus the buyer's premium and VAT on the buyer's premium.

The Curator of Collections, Temple Newsam House, acting as expert adviser, had objected to the cabinet and stand'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 furniture.

The expert adviser explained that the cabinet appeared to be one of four described as being taken from the workshops of Giacomo Herman to Palazzo del Quirinale to be inspected by the *cardinal nipote* Giacomo Rospigliosi (and possibly also his uncle Pope Clement IX) on 20 November 1669. The other three 'twins' survived: two in the Danish Royal Collection, bought in 1767; a third (lacking its stand and somewhat altered) traditionally said to have been given by Pope Innocent XI to Jan Sobieski in 1683 and today installed as an altarpiece in the church of the Capuchins in Cracow. All four cabinets were the same size, had the same configuration and all contained a virginal in the lower drawer.

The purpose behind Herman's visit to the Cardinal with his cabinets was not known. It had been suggested that either the Cardinal or the Pope intended to buy them, either for their own use, or more likely as future diplomatic presents for crowned heads. From the date of the virginals (1676) it would seem the cabinets were still unfinished in 1669.

At some date in the early 18th century three of the cabinets were 'modernised' and given their present elaborately carved and gilded stands. Again these were all virtually identical. Almost certainly these replaced earlier stands which would probably have been ebony. Some years later, two were sold to the Danish Royal Collection, but the fate of this remaining cabinet was not known until its re-appearance in the North East of England in the 1950s.

The story of how the cabinet and stand came to England and later became separated was not fully resolved. The upper part, the cabinet, was first recorded in the 1950s in the possession of a Mrs Baston of Sunderland, whose heirs or executors sold it at Phillips on 19 September 1972. It was acquired by a Mr and Mrs Gordon who eventually sold it, re-united with the stand, at Sotheby's on 4 December 2007. Nothing more has been established about Mrs Baston or where or how she might have acquired the cabinet.

The lower section, the stand, was probably given to the Assembly Rooms in York by Dr John Bowes Morrell, a well known local benefactor and conservationist, around 1951 when this historic building was redecorated and refurbished. It remained there until it was recognised and reunited with the top section for the sale in December 2007. By this date the Assembly Rooms had passed into the ownership of the Yorkshire Conservation Trust.

There was a strong possibility that the stand was sold at a country house sale in Yorkshire or the North East at a date before c.1950. Large numbers of these sales took place from the 1920s onwards (and earlier), often with cursorily written and unillustrated catalogues,

at which enormous quantities of works of art, especially large scale Continental furniture, flooded the market and achieved very low prices. Research was still ongoing to establish if the cabinet was sold in this way, and could thus be linked to a definite family collection.

The cabinet (or 'studiolo') had been conceived in the tradition of magnificent Italian semi-architectural furniture whose chief purpose was to impress with its grandeur and to delight with the quality of its detail and workmanship. If it had any practical function at all it was to accommodate small precious objects often of a personal nature, which might be handled only by the owners themselves (hence their name 'studioli'). Such pieces were born in the palaces of Renaissance Italy. Foreign artists and craftsmen living in Italy (as in this example) were often responsible for their construction and decoration.

English baroque furniture had been greatly invigorated by the influence of the neo-Palladian architect William Kent (1685-1748) who had studied in Rome in the second decade of the 18th century. Not content with merely designing buildings for his influential patrons, Kent was the first significant English architect who also designed furniture. He intended his interiors to have the same integrated 'gravitas' as the palaces and villas he had admired in Italy. At this date Roman 'parade' furniture (especially console tables, mirrors, candlestands etc) was characterised by its massive sculptural qualities. The stand for this cabinet was firmly within this tradition, and could have been executed at any date between c.1670 and c.1730.

In the context of 'parade' furniture, Italian (or Italian-inspired) cabinets replaced lacquer-fronted cabinets as major status symbols in England by the second quarter of the 18th century. They were greatly admired *in situ* in Italy by the English Grand Tourists and the leaders of the Palladian movement.

From the early 19th-century onwards, with the continued dispersal of indigenous collections, 17th and 18th century Italian and French furniture became even more accessible to wealthy English buyers through the network of dealers in the developing antiques trade in London and the provinces. Such furniture now fitted well into the increasingly opulent picture galleries, drawing rooms and salons (often incorporating expanded collections of paintings of the same period), as well as antiquarian libraries.

The makers of these superb objects were only infrequently recorded, still less the circumstances of their commission. The authorship of this example was confidently attributed to the most esteemed cabinet maker in mid 17th-century Rome, Giacomo Herman by comparison with his only signed example in the Kunsthistorisches Museum, Vienna, probably a gift of Cardinal von Hesse to the Emperor Leopold I, and dated 1668. The signatures of the clock maker, the virginal maker and a hitherto unrecorded craftsman (Johannes Meisser) added to the importance of the object as a benchmark for future attributions.

The expert said the cabinet and stand had both been executed to the highest possible standards, as befitted its probable destination as a gift from the Pope to a crowned head. Its sense of movement, combination of colours, and display of virtuoso craftsmanship marked it out as a truly exceptional work of art.

The applicant did not contest that the Waverley criteria applied.

We heard this case in March 2008 when the cabinet and stand was shown to us. We found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,108,037.50 (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 cabinet and stand 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 cabinet by the V&A. At the end of the first deferral period the owner was asked if he/she was willing to accept a matching offer at the recommended price. The owner was not willing to confirm this. An export licence was subsequently refused.

Case 18

A PAINTING BY JOHN THOMAS SETON, PORTRAIT OF ALEXANDER DALRYMPLE

The painting is oil on canvas and measures 91.4 x 71.1 cm. It represents Alexander Dalrymple at age 28, full-length and seated, in East India Company sea-officer's uniform, with globe, map, chart and dividers on the table beside him, and uniform sword leaning against the background chimney-breast.

The applicant had applied to export the painting to Australia. The value shown on the export licence application was £137,500, which represented the sale price in November 1988 including dealer's commission and a current agreed sale price.

The contributor of the entry 'Alexander Dalrymple' to the *Oxford Dictionary of National Biography*, acting as expert adviser, had objected to the painting's export under the first Waverley criterion on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune.

The expert adviser considered that the outstanding significance of the portrait was the identity of the subject, and his influential role in Britain's maritime history. Dalrymple began surveying in the China Sea and the Philippines in command of an East India Company ship from 1759 onwards. As well as being retained by the East India Company from the 1770s to 'examine the ships' journals' and to 'compile charts

and sailing directions for publication for use by East India Company voyages to India and China', a position he held for almost thirty years, Dalrymple was appointed, in 1795, the first Hydrographer to the Admiralty. In this role he was charged with turning an archive of manuscript sea surveys into a body of charts for safe navigation during the Napoleonic wars.

As a confidant of Sir Joseph Banks, and an adviser to government officials such as Philip Stephens, Evan Nepean and William Marsden, he provided plans and topographical information for Vancouver's voyage and recommended to the Colonial Office routes to the Pacific to supply Nootka Sound after the Spanish controversy in 1790. His achievements also included furnishing sailing directions for missions to China which culminated in Macartney's embassy, advising Banks on the Privy Council examination of Meares after the Nootka Sound affair and supplying charts for Blankett's naval squadron to the Red Sea to combat the threat of Napoleon's eastward advance from Egypt.

From Dalrymple's establishment in Whitehall in 1800 of a chart compilation and printing workshop there grew in the nineteenth century, under Sir Francis Beaufort and his successors as Hydrographer, the entire operation of the present-day UK Hydrographic Office, internationally respected as provider of charts and navigational information for mariners. The UK Hydrographic Office main administrative building in Taunton is named after Dalrymple, and Dalrymple's own manuscript charts of islands in the East Indies form part of the British hydrographic archive, now being deposited in The National Archives at Kew. Dalrymple brought into the Admiralty Hydrographic Office many of the charts he created and engraved for the East India Company, and they continued to be issued until the late 19th century, the last being withdrawn only in 1959.

No other original likenesses of Dalrymple are known in the United Kingdom. A small pencil profile by George Dance in 1794, of Dalrymple in later life is to be found

in the National Library of Australia collections in Canberra. Until the emergence of the Seton portrait, impressions from an engraved plate copied from the Dance profile, and degraded prints derived from a lost small half-length sketch by John Brown, were the only images known of this remarkable 18th-century public servant. The expert adviser therefore considered this portrait of Dalrymple in early life, with its unusual grouping of 'tools' of hydrography to be the most significant and substantial portrait of the originator of the Admiralty Chart, by which Britain has become known and respected by the seafaring nations of the world for over 200 years.

The applicant agreed that the painting, being the only known painting of Alexander Dalrymple, first Hydrographer to the East India Company and the Admiralty, was of national importance under the first Waverley criterion.

We heard this case in April 2008 when the painting was shown to us. We found that it met the first 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 £137,500 (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 portrait, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by National Museums Scotland. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the painting had been purchased by National Museums Scotland with assistance from The Art Fund and the National Museums Scotland Charitable Trust.



department for
**culture, media
and sport**

EXPORT of OBJECTS of CULTURAL INTEREST 2007-08

Appendices

Appendix A

History of export controls in the UK

The reasons for controlling the export of what are now known as cultural goods were first recognised in the UK at the end of the 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 that the National Art Collections Fund was established in 1903, to help UK national and provincial public collections to acquire objects that they could not afford by themselves.

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

It was in 1950 that the then Labour Chancellor of the Exchequer, Sir Stafford Cripps, established a committee under the Chairmanship of the First Viscount Waverley 'to consider and advise on the policy to be adopted by His Majesty's Government in controlling the export of works of art, books, manuscripts, armour and antiques and to recommend what arrangements should be made for the practical operation of policy'. The Committee reported in 1952 to RA Butler, 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 Sevres Dinner Service presented to the Duke of Wellington (1979); furniture – a lady's secretaire by Thomas Chippendale (1998); silver – a Charles II two-handled silver porringer and cover, c.1660, attributed to the workshop of Christian

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

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

Appendix B

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

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

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

Appendix C

Membership of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest during 2007-08

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 2011

PROFESSOR DAVID EKSERDJIAN

Professor of the History of Art and Film, University of Leicester. He is an expert on Italian renaissance paintings and drawings and the author of *Correggio* (1997) and *Parmigianino* (2006). Formerly a Fellow of Balliol College Oxford (1983-86) and Corpus Christi College, Oxford (1987-91), he worked in the Old Master Paintings and Master Drawings departments at Christie's in London from 1991-1997 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 on 12 November 2010

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 and currently Chairman of the Trustees of Sir John Soane's Museum, and a member of the Advisory Council of the Art Fund.

Appointed 10 April 2007: appointment expires on 9 April 2011

DR CATHERINE JOHNS

Former curator of the Romano-British collections at the British Museum. She trained in prehistoric and Roman Archaeology, and has published and lectured extensively, especially on Roman provincial art, jewellery and silver. Her publications include *Sex or Symbol; erotic images of Greece and Rome* (1982), *The jewellery of Roman Britain* (1996), *Horses; History, Myth, Art* (2006), *Dogs; History, Myth, Art* (2008), museum catalogues of Roman treasure finds, and more than 100 articles in scholarly journals. She has served on the committees of the Society of Antiquaries, the Roman Society, and the British Archaeological Association, and is a former Chair of the Society of Jewellery Historians.

Appointed 19 February 2003: appointment expires 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 on 13 March 2009

PROFESSOR PAMELA ROBERTSON

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

Appointed 2 December 2003: appointment expires on 20 November 2011

JOHNNY VAN HAEFTEN

Chairman and Managing Director of Johnny Van Haeften Ltd, the gallery specialising in 17th-century Dutch and Flemish Old Master pictures, which he has run for 30 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 2 June 2011

DR CHRISTOPHER WRIGHT

Dr Christopher Wright joined the Department of Manuscripts, British Library, in 1974 and was Head of Manuscripts from 2003 until his retirement in October 2005. He is a Fellow of the Society of Antiquaries (2002) and a Fellow of the Royal Historical Society (1982). His publications include *George III* (2005) and, as editor, *Sir Robert Cotton as Collector: Essays on an Early Stuart Courtier* (1997). From 1989 to 1999, he was editor of the *British Library Journal*. He served as a Trustee of the Sir Winston Churchill Archives Trust, Cambridge (2001 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

List of independent assessors who attended meetings during 2007-08

Brian Allen , Director of Studies, Paul Mellon Centre for Studies in British Art	Case 10
Gordon Balderston , Specialist in European sculpture	Case 5
Charles Beddington , Charles Beddington Ltd	Case 8
Peter Blackwood Brown , Curator, Fairfax House	Case 2
Beverly Louise Brown , Specialist in Italian Renaissance and Baroque Art	Case 8
Christopher Claxton Stevens , Norman Adams Ltd	Case 2
Philip Clayton-Gore , Archivist, UK Hydrographic Office	Case 18
Gloria Clifton , Head of Royal Observatory, Greenwich, National Maritime Museum	Case 14
Andrew Cormack , Royal Air Force Museum	Case 11
Bart Cornelis , Deputy Editor, The Burlington Magazine	Case 9
Pauline Croft , Professor of Early Modern History, Royal Holloway	Case 1
Peter Finer , Peter Finer Antique Arms and Armour	Case 3
Roger Gaskell , Roger Gaskell Rare Books	Case 13
Bendor Grosvenor , Director, Philip Mould Ltd	Case 18
John Guy , Teaching Fellow in History, Clare College, Cambridge	Case 12
Jonathan Harris , Independent Furniture Expert	Case 17
Colin Harrison , Assistant Keeper, Ashmolean Museum	Case 10
Robert Holden , Robert Holden Ltd	Case 11
Elizabeth Jamieson , Independent Furniture Expert	Case 2
Alastair Laing , Adviser on Pictures and Sculptures, The National Trust	Cases 5, 6 & 7
Lowell Libson , Lowell Libson Ltd	Case 10

Professor David Loades , Honorary Research Professor, University of Sheffield	Case 1
Duncan MacMillan , Independent Expert	Case 18
Jonathan Marsden , Deputy Surveyor of the Queen's Works of Art	Case 17
Gregory Martin , Independent Art Consultant and Scholar	Cases 9 & 16
Arthur Middleton , Specialist Consultant in the History of Science	Case 14
Keith Miller , Head of Weapons, National Army Museum	Case 3
Jennifer Montagu , Honorary Fellow, The Warburg Institute	Case 6
Anthony Mould , Anthony Mould Ltd	Case 7
Otto Naumann , Otto Naumann Ltd	Case 4
Anthony Payne , Bernard Quaritch Ltd	Case 1
Felix Pryor , Manuscript and Archive Consultant	Case 12
Christopher Rowell , Furniture Curator, The National Trust	Case 17
David Scrase , Assistant Director, Collections, The Fitzwilliam Museum	Case 8 & 16
Desmond Shawe-Taylor , Surveyor of the Queen's Pictures, The Royal Collection	Case 11
Timothy Stevens , Director, The Gilbert Collection	Case 5
Georgina Stonor , Independent Archives and Manuscripts Expert	Case 15
Liba Taub , Director, Whipple Museum of Science	Case 14
Ernst Vegelin van Claerbergen , Head of The Courtauld Gallery, Courtauld Institute of Art	Case 9
Liza Verity , Curator of Weapons, National Maritime Museum	Case 3
Rowan Watson , Senior Curator, Manuscripts, Victoria and Albert Museum	Case 15
Michael Webb , Head of Cataloguing Western Manuscripts, Bodleian Library	Cases 12 & 13
Patricia Wengraf , Patricia Wengraf Ltd	Case 6

Aidan Weston-Lewis , Senior Curator, National Gallery of Scotland	Case 7
Arthur Wheelock , Curator, The National Gallery of Art, Washington	Case 4
Sir Christopher White , Art Historian	Case 16
Andy Wood , Reader in Social History, University of East Anglia	Case 13
Thomas Woodcock , Norroy and Ulster King of Arms	Case 15

Appendix E

Value of items placed under deferral (1998-99 to 2007-08) (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 (£ millions)	(3) Value (at deferral) of cases in (2) where items were licensed for permanent export (£ millions)	(4) Value of items in (3) as % of (2)	(5) Value of items in (2) that were not licensed for export (£ millions)	(6) Value (at deferral) of cases in (2) where items were purchased by UK institutions or individuals ¹ (£ millions)	(7) Value of items in (6) as % of (2)
1998-99	23.5	21.0	89%	2.5 ²	2.3	10%
1999-2000	9.5	5.0	53%	4.5 ³	0.5	5%
2000-01	19.3	12.6	65%	6.6 ⁴	3.7	19%
2001-02	18.9 ⁵	11.4 ⁶	60%	7.5 ⁷	5.4 ⁸	29%
2002-03	74.9	23.2	31%	51.7 ⁹	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 ¹⁰	5.8	13%
2005-06	15.6	7.3	47%	8.3	8.3	53%
2006-07	24.5	10.7 ¹¹	43%	11.8	7.0	29%
2007-08	15.3	12.8	84%	2.5 ¹²	1.4	9%
Totals	255.6	135.2	53%	118.4	80.4	31%

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

² Includes value of one case (£130,275) where the licence application was withdrawn during the deferral period.

³ Includes value of four cases (£4,060,642.50) where the licence application was withdrawn during the deferral period.

⁴ Includes value of four cases (£2,964,362.50) where the licence application was withdrawn during the deferral period.

⁵ 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.

⁶ 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.

⁷ 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.

⁸ Includes value of one case (£2,000,000) where a licence was issued but the owner subsequently sold the item to a UK institution.

⁹ 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.

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

¹¹ 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.

¹² Includes value of one case (£1,084,500) where the owner failed to confirm that he/she was willing to accept a matching offer and the Secretary of State subsequently refused an export licence.

Appendix F

Items licensed for export after reference to expert advisers for advice as to national importance:
1 May 2007 – 30 April 2008

Category	Advising authority	No of Items	Total value (£)
Arms and armour	Royal Armouries, HM Tower of London, Master of the Armouries	66	20,091,910
Books, maps etc	British Library, Keeper of Printed Books, Keeper of Printed Maps	78	20,257,839
Books (natural history)	British Museum (Natural History), Head of Library Services	6	500,620
Clocks and watches	British Museum, Keeper of Clocks and Watches	27	4,001,522
Coins and medals	British Museum, Keeper of Coins and Medals	1,304	3,021,642
Drawings: architectural, engineering and scientific	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	26	3,343,670
Drawings, prints, watercolours	British Museum, Keeper of Prints and Drawings	213	98,401,270
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	2	1,575,000
Ethnography	British Museum, Keeper of Ethnography (Museum of Mankind)	1	150,000
Furniture and woodwork	Victoria & Albert Museum, Curator of the Furniture and Woodwork Collection	195	38,841,195
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	2	2,450,000
Indian furniture	Victoria & Albert Museum, Curator of the Indian and South-East Asian Department	2	675,000
Japanese antiquities	British Museum, Keeper of Japanese Antiquities	4	602,500
Manuscripts, documents and archives	British Library, Manuscripts Librarian	4,384	102,310,988
Maritime material, including paintings	National Maritime Museum	1	112,633
Oriental antiquities (except Japanese)	British Museum, Keeper of Oriental Antiquities	40	6,050,965
Oriental furniture	Victoria & Albert Museum, Keeper of Oriental Furniture	1	135,000
Paintings, British, modern	Tate Gallery, Keeper of the British Collection	318	522,972,067
Paintings, foreign	National Gallery, Director	285	1,038,029,223
Paintings, miniature	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	4	589,500
Paintings, portraits of British persons	National Portrait Gallery, Director	52	43,731,547

Category	Advising authority	No of Items	Total value (£)
Photographs	National Museum of Photography, Film & Television, Head	4,650	25,404,766
Pottery	Victoria & Albert Museum, Curator of the Ceramics Collection	47	10,717,230
Prehistory & Europe (inc. Archaeological material & Medieval and later antiquities)	British Museum, Keeper of Prehistory & Europe	20,287	32,178,223
Scientific and mechanical material	Science Museum, Director	3	562,912
Sculpture	Victoria & Albert Museum, Curator of Sculpture	74	51,450,880
Silver and weapons, Scottish	Royal Museum of Scotland	1	240,000
Silver, metalwork and jewellery	Victoria & Albert Museum, Curator of the Metalwork, Silver and Jewellery Collection	164	57,934,335
Tapestries, carpets (and textiles)	Victoria & Albert Museum, Curator of the Textile, Furnishings and Dress Collection	35	9,033,595
Toys	Bethnal Green Museum of Childhood	0	-
Transport	Heritage Motor Centre	28	9,457,413
Wallpaper	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	1	135,000
Western Asiatic antiquities	British Museum, Keeper of Western Asiatic Antiquities	29	6,171,245
Zoology (stuffed specimens)	British Museum (Natural History), Keeper of Zoology	0	-
Totals		32,330	2,111,129,690

Appendix G

EXTRACT FROM PRIVATE GIVING FOR THE PUBLIC GOOD

Collections purchase

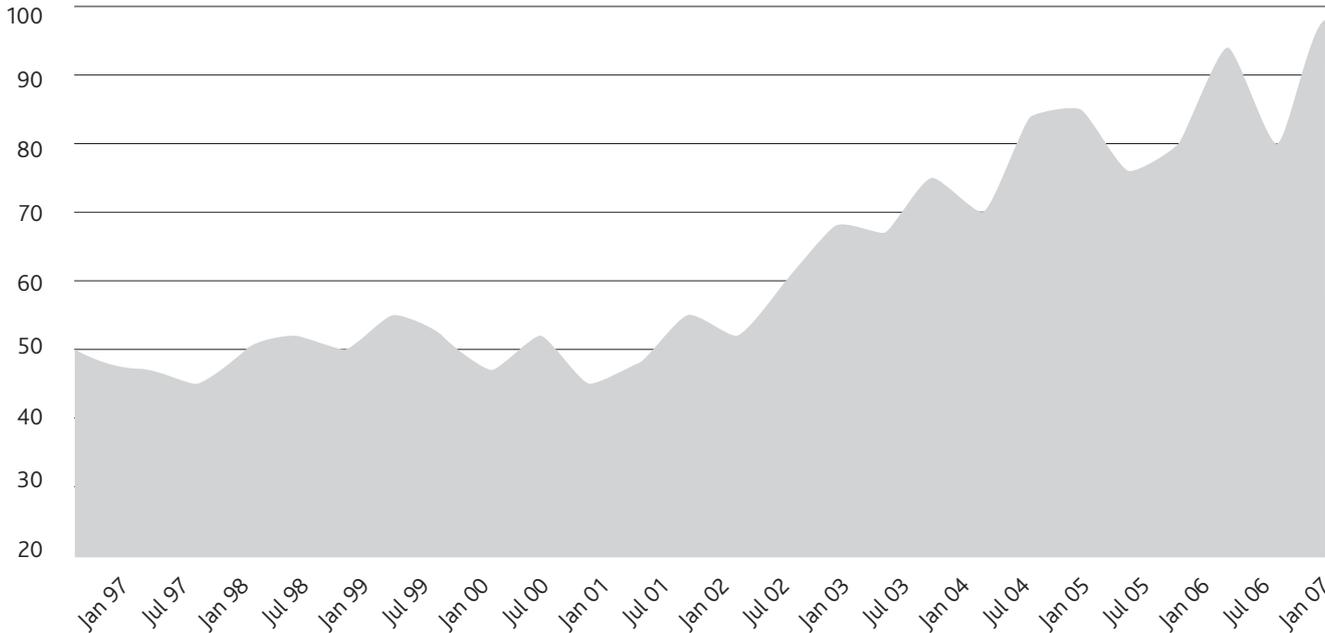
National governments and local authorities are signalling that after a period of steady increase in their support for culture, the many other pressures on public spending such as health and education mean that public resources are increasingly constrained. The budget for the Department for Culture, Media and Sport is less than 0.5% of total government expenditure, while many local authorities are actually cutting back.

At the same time, it costs more and more to sustain the buildings and collections, the orchestras, theatre and dance companies, the public libraries and archives and the wider historic environment that have given us such a rich and cultural life.

Our galleries and museums, for instance, find it harder and harder to add to their collections, with works by prominent British artists being lost to this country, as the market price of both historic and contemporary works of art has steadily risen.

This means that even those museums that still have some purchasing power are unable to compete in a global marketplace.

Artprice Global Index (Jan 1997 – Jan 2007)



Base July 1990 = 100 USD Quarterly data
Source: Artprice.com

Appendix H

Applications considered and deferred on the recommendation of Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest: 1998-99 to 2007-08

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 (£)
1998-99	8	21,009,066	8 ¹	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 ²	3,168,087	6	1,780,630 ³	7	690,701 ³	2	5,012
2001-02	5 ⁴	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	5 ⁵	10,709,778	12	7,009,075	4	1,944,032	3	700,275	2	40,000
2007-08	7	12,770,031	8	1,431,256	6	471,986	6	248,750	2	50,000

¹ Including a Roman gold finger-ring, valued at £2,352.50, which was donated by the owner to the British Museum.

² Including a series of 13 related finds.

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

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

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

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	The <i>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> , 2 nd 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
2002-3	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.1805	Victoria and Albert Museum	100,000	0	44,000	0
2003-04	A painting by Annibale Carracci, <i>The Holy Family with the Infant Saint John the Baptist ('The Montalto Madonna')</i> , 1597-1600	National Gallery	805,280	0	0	0
2003-04	Four silver wine coolers: one pair by Robert Joseph Auguste of Paris and one pair by Parker & Wakelin of London	Private Purchaser	1,098,513.68	0	0	0
2003-04	A Siena marble table made for William Beckford.	Beckford Tower Trust	220,000	110,000	35,000	40,000
2003-4	The Archive of G King & Son	Norwich Town Close Estate Charity	13,810	0	0	0
2004-5	A linen doublet, 1650s	National Museums of Scotland	25,935	0	0	0
2004-5	An Iron Age coin	British Museum	2,000	0	0	0
2004-5	The Macclesfield Psalter	Fitzwilliam Museum	1,685,600	(NHMF) 860,000	500,000	0
2004-5	A multi-gem Cartier bandeau	Private purchaser	300,000	0	0	0
2004-5	A pink satin and black bugle beaded bodice	Manchester City Galleries	12,350	0	0	3,500
2004-5	A marble sculpture by Benedetto Pistrucci	The Rothschild Foundation	176,250	0	0	0
2004-5	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 (£)
2004-5	A drawing of Mary Hamilton by Sir Thomas Lawrence	Victoria and Albert Museum	165,000	(NHMF) 75,000	50,000	0
2004-5	A painting by Sir Joshua Reynolds, <i>The Archers</i>	Tate	3,200,000	(NHMF) 1,600,000	400,000	0
2004-5	A Charles II silver dish	Royal College of Physicians	192,000	(NHMF) 42,000	0	0
2005-6	An Anglo-Saxon gold coin of King Coenwulf of Mercia	The British Museum	357,832	(NHMF) 225,000	60,000	0
2005-6	Seven silver pieces (six off-cuts from silver ingots and a stamped arm-ring fragment)	The Ulster Museum	1,000	0	0	0
2005-6	A medieval bronze jug	Luton Museums Service	750,000	(NHMF) 568,000	137,500	0
2005-6	The Codex Stosch	The British Architectural Library	274,418	0	100,000	0
2005-6	A pair of paintings entitled <i>View of the Grand Walk, Vauxhall</i> and <i>The Rotunda, Ranelagh</i> by Giovanni Antonio II 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	The Alice Trust	775,000	0	0	0
2006-07	The archive of Reverend William Gunn	Norfolk Record Office	83,050	(HLF) 50,000	0	£15,000
2006-07	Anglo-Saxon gilded mount with interlace decoration	The Fitzwilliam Museum	7,000	0	0	0
2006-07	Anglo-Saxon great square-headed brooch	National Museums Liverpool	15,000	(HLF) 7,500	0	0
2006-07	A watercolour painting by J M W Turner, <i>The Blue Rigi, Lake of Lucerne, Sunrise, 1842</i>	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	0	8,000
2006-07	A Guild Roll of the Guild of St Mary	Nottinghamshire Archives	6,600	0	0	3,300
2006-07	A 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
2007-08	A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772	Lancashire County Museums Service	260,000	(NHMF) 92,000	100,000	30,000
2007-08	A 13-bore silver-mounted flintlock gun	The Royal Armouries	115,000	(NHMF) 57,500	28,750	0
2007-08	A portrait by J S C Schaak, <i>General Wolfe</i>	National Army Museum	300,000	(NHMF) 80,000	15,000	0
2007-08	A copy of the warrant for the execution of Mary Queen of Scots	Lambeth Palace Library	72,485.50	(NHMF) 17,485.50	0	20,000
2007-08	A ledger kept by a 17 th -century lead merchant in the Peak District	Derbyshire Record Office	3,770	0	0	0
2007-08	An early English brass astrolabe quadrant	The British Museum	350,000	(NHMF) 125,000	50,000	0
2007-08	The Dering Roll	The British Library	192,500	(NHMF) 100,000	40,000	0
2007-08	<i>Portrait of Alexander Dalrymple</i> by John Thomas Seton	National Museums Scotland	137,500	0	15,000	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 for Business, Enterprise and Regulatory Reform, HM Treasury, Foreign and Commonwealth Office, HM Revenue and Customs, Scottish Government Department for Culture, National Assembly for Wales Department for Culture and Northern Ireland Department for Culture);

(iii) the Directors of the English and Scottish national collections, the National Museum Wales, the National Museums Northern Ireland, and the Librarians of the National Libraries of Wales and Scotland;

(iv) the expert advisers to the Department for Culture, Media and Sport, to whom applications for export licences are referred, other than those who are members by virtue of (iii) above;

(v) eight representatives of non-grant-aided museums and galleries in England, Scotland, Wales and Northern Ireland, nominated by the Museums Association;

(vi) representatives of: Arts Council England; Arts Council of Northern Ireland; Arts Council of Wales; Association of Independent Museums; National Museum Directors' Conference; Friends of the National Libraries; Heritage Lottery Fund; The National Archives; National Archives of Scotland; The Art Fund; National Fund for Acquisitions; National Heritage Memorial Fund; National Trust; National Trust for Scotland; Pilgrim Trust; MLA/Victoria & Albert Purchase Grant Fund; the MLA PRISM Fund for the Preservation of Scientific and Industrial Material; Scottish Arts Council;

(vii) representatives of: British Academy; British Records Association; Canadian Cultural Property Export Review Board (observer status); Chartered Institute of Library and Information Professionals (CILIP); Council for British Archaeology; Historic Houses Association; Historical Manuscripts Commission; Museums, Libraries and Archives Council (MLA); Royal Academy of Arts; Royal Historical Society; Royal Scottish Academy; Scottish Records Association; Society of Antiquaries of London; Society of Archivists; Society of College, National and University Libraries;

(viii) representatives of the trade nominated by the: Antiquarian Booksellers' Association (*two*); Antiquities Dealers' Association (*two*); Association of Art and Antique Dealers (*two*); Bonhams; British Antique Dealers' Association (*three*); British Art Market Federation; British Numismatic Trade Association (*two*); Christie's; Fine Art Trade Guild; Society of London Art Dealers (*two*); Society of Fine Art Auctioneers; Sotheby's.

Appendix K

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, 2008)

Export Control Act 2002 (HMSO)

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

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

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

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

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

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

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

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

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

Appendix L

Membership of the Working Party on Manuscripts, Documents and Archives during 2007-08

Dr Christopher Wright, Chairman

Louise Adkin, Secretary, Museums, Libraries and Archives Council

Julia Brettell, MLA/V&A Purchase Grant Fund

Dr Patricia Croot, Institute of Historical Research

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

Hugh Jacques, Dorset History Centre

Norman James, The National Archives

Nick Kingsley, The National Archives

Helen Loughlin, Deputy Head of AELU, Museums, Libraries and Archives Council

David Park, Bonhams

Julian Rota, Antiquarian Booksellers Association,

Rachel Stratton, Cultural Property Unit, Department for Culture, Media and Sport

David Uffindell, Head of Export Licensing Unit, Museums, Libraries and Archives Council

Frances Wilson, PRISM Grant Fund, Museums, Libraries and Archives Council

John Wilson, John Wilson Manuscripts Limited



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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 2007-08

December 2008
London: The Stationery Office

£19.15

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

Cover Image:
A ledger kept by a 17th-century
lead merchant in the Peak District

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department for
**culture, media
and sport**

EXPORT of OBJECTS of CULTURAL INTEREST 2007-08

1 May 2007 – 30 April 2008

- 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

I am pleased to lay before Parliament this, the fourth 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 2007 to 30 April 2008.

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, once again, we have been broadly successful in that aim during the past year.

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

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

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

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

Export of Waverley standard objects

A total of 18 items were referred to the Committee by Expert Advisers, 17 of which were subsequently found to meet the Waverley Criteria. One application where the item was found to meet the Waverley Criteria was withdrawn following the hearing and consequently not referred to the Secretary of State. I accepted the Committee's recommendations on all the 16 cases referred to me. I refused a licence for one of the referred cases, at the end of the first deferral period because the owner had failed to confirm they were willing to accept a matching offer at the recommended price.

In all, eight items, valued at £1.4 million, have been purchased by institutions or individuals in the UK. Export licences have been issued for seven items, valued at £12.8 million.

I fully understand the Committee's concern that of the 17 objects which met the Waverley Criteria, seven were eventually granted an export licence. It is very welcome news, however, that eight items 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 spectacular success for the export control system. Such a positive outcome would not, of course, have been possible without the valuable assistance of the National Heritage Memorial Fund, the Heritage Lottery Fund, The Art Fund, the MLA/Victoria & Albert Museum Purchase Grant Fund, associations of friends of museums and galleries, as well as private and corporate donors, all of whom deserve our thanks and recognition.

I understand the Committee's views on the level of funding available for acquisitions and take this matter seriously. The Government's grant to the National Heritage Memorial Fund was increased to £10 million in 2007-08 and for the following three years, thereby doubling its resources for the acquisition of 'national treasures'. 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.

This is the right place to record the Government's profound gratitude to all those bodies and individuals mentioned in Part 1 of the Report who have so generously made the listed acquisitions possible. I was especially pleased that it was possible for us to facilitate the acquisition of the d'Offay collection under special arrangements and to take advantage of Mr d'Offay's exceptional generosity in wishing to bring his collection into public ownership.

I very much hope that generous individuals, businesses and trusts and foundations will continue to support the acquisition of Waverley quality objects, despite the difficult financial climate which we must all face together.

Finally, the Acceptance in Lieu scheme has continued successfully to ensure that an exceptional range of pre-eminent objects has been taken into public ownership. In the 2007-08 tax year 32 cases were completed, resulting in items valued at £15.2 million, settling approximately £10.3 million in tax, being accepted under the scheme and being distributed to museums throughout the UK, from the Isle of Wight to North Yorkshire and also to five National Trust properties.

A handwritten signature in black ink that reads "Andy Burnham". The signature is written in a cursive, flowing style.

Rt Hon Andy Burnham MP

Operation of the control

The following figures cover the period of this report (1 May 2007-30 April 2008).

		1 May 2007- 30 April 2008	1 May 2006- 30 April 2007
(a)	Number of applications for individual export licences ¹	12,236	11,607
(b)	Number of above applications which were for manuscripts, documents or archives	1,444	1,835
(c)	Number of items licensed after reference to expert advisers on the question of national importance	32,330	27,444
(d)	Total value of items in (c)	£2,111,129,690	£1,842,844,793
(e)	Number of Open Individual Export Licences issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives	16	16
(f)	Number of items licensed after the Export Licensing Unit was satisfied of import into the UK within the past 50 years	14,333	17,723
(g)	Total value of items in (f)	£6,297,615,224	£6,476,033,522
(h)	Number of items in (f) which were manuscripts, documents or archives	1,281	838
(i)	Total value of items in (h)	£96,612,684	£67,887,642
(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 ²	2,707	4,100
(k)	Total value of items in (j) ²	£1,840,307,871	£1,549,816,636

¹One application may cover several items.

²In 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.



department for
**culture, media
and sport**

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

1 May 2007 – 30 April 2008

To:

Rt Hon Andy Burnham MP

Secretary of State for Culture, Media and Sport

Fifty-fourth Report of the
Reviewing Committee

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

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Professor David Ekserdjian

Mr Simon Swynfen Jervis

Dr Catherine Johns

Mr Tim Knox

Professor Pamela Robertson

Mr Johnny Van Haeften

Dr Christopher Wright

JOINT SECRETARIES

Ms Nicki Fox

Ms Isabel Wilson

POSTAL ADDRESS

Secretary

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

Museums, Libraries and Archives Council

Wellcome Wolfson Building

165 Queen's Gate

South Kensington

London

SW7 5HD

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

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PART I:

Reviewing Committee Report for 2007-08

1 May 2007 – 30 April 2008

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 at Appendix A. The terms of reference of the Reviewing Committee can be found at Appendix B.

Committee Members, Expert Advisers, Independent Assessors and the administration of the system of export control

There were no changes in membership of the Committee during the 2007-08 reporting year (up until the end of April 2008). Two members were re-appointed for a second term: The Chairman, Lord Inglewood to run from 1 December 2007 to 30 November 2011 and Pamela Robertson to run from 1 December 2007 to 30 November 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 once more like 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 into fulfilling this role, which is essential to the smooth running of our system of export control. The quality of their expertise and commitment is of the highest order.

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.

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

The Committee's work falls into two distinct parts. The first focuses generally on the working of the system of export control and the second advises the Secretary of State on individual cases. In this report we begin with the former.

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 character 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. In order, therefore, for the system to work effectively there must be buyers.

Philanthropy

In July 2007, only days before its intended sale, Dumfries House and its contents were acquired by a charitable trust that was set up with strong support from, amongst others, HRH the Prince of Wales. But for this, there can be little doubt that the Reviewing Committee would have had a much busier year as Dumfries House contains some of the most important Thomas Chippendale and 18th-century Scottish furniture in the country.

This welcome development brought together public and private bodies in an imaginative grouping with £20m coming from the Prince's Charities Foundation, £9m from the Monument Trust, £7m from the National Heritage Memorial Fund (NHMF), £5m from the Scottish administration and £2.25m from The Art Fund.

The Scottish administration and the UK Government worked together later in the year to bring about the acquisition of the Anthony d'Offay Collection by Tate and the National Galleries of Scotland. Although this important collection comprises works most of which have been in the UK for less than 50 years and therefore not of direct concern to the Committee, it highlights the important role philanthropy can play in securing our national treasures.

The collection was conservatively valued at £125m and Mr d'Offay gave almost £100m of its value before tax, as he committed to receive only £26.5m when he proposed to transfer it into the joint ownership of Tate and the National Galleries of Scotland. All those involved and not least the Government are to be congratulated on their willingness to devise and finance an imaginative and complex arrangement by which the tax due on the sale by the donor was to be met from the public purse and not by Mr d'Offay himself. Mr d'Offay has referred to his early love of the national collections in Edinburgh as the stimulus for his wish personally to enrich the public collections.

Of course we accept that there is much more to the promotion of philanthropy than simply the issue of tax incentives, but this particular example shows that it often does have a critical role to play and how an incentive can leverage enormous public benefit. It is to be hoped that the example of private philanthropy shown by Anthony d'Offay and the Government's willingness to be both generous and creative in ensuring that the transaction did proceed will spur on others and lead to further refinements in our country's encouragement of philanthropy. We welcome and support the National Museum Directors' Conference (NMDC), Museums, Libraries and Archives Council

(MLA) and Arts Council England (ACE) manifesto *Private Giving for the Public Good* which calls for the introduction of more incentives for people who give to museums and other cultural institutions to ensure that all parts of the country benefit from cultural philanthropy.

It is unrealistic to expect that either private money or public funds, each on their own, can maintain and achieve the development of the heritage sector in a way which is required in a country like ours. When, however, they work together effectively, successes such as Dumfries House and the d'Offay collection can be achieved.

In the same spirit, the Committee was pleased that the Government responded positively to the concerns raised by museums and the wider sector when draft proposals were issued in respect of taxing non-domiciles on income earned abroad. Although often little known, the philanthropy of 'non-doms' has been a key element in financing several major gallery refurbishments and new developments as well as being the source of significant loans to both exhibitions and permanent displays. Regardless of any other considerations, the loss of their contribution to our national cultural life would be most damaging.

Committee's recommendations for aiding acquisitions

The Reviewing Committee exists to provide a mechanism of last resort by which important cultural objects can remain in the UK. It would be quite content if it was called upon to consider cases less frequently than it does. Indeed, were it never required to meet again, this could be considered a resounding success. The Committee therefore welcomes those measures such as the *douceur* system which encourages owners to sell to UK public bodies through private treaty sales rather than to go to auction. The reality, however, is that the first indication that many museums have of items coming onto the market is through auction sale catalogues. We see no reason, in principle, why the same

advantages that most public museums enjoy when acquiring through private treaty sale could not be available if the sale was conducted through auction and urge HM Revenue & Customs to reconsider the current custom and practice in this area, since it might well assist in retaining national treasures in this country.

In January 2008, the Olympics Minister, Tessa Jowell, told the Culture Select Committee that, following the 2012 Games, the National Lottery would be reimbursed by an estimated £675 million from the proceeds of the sale of Olympic assets. This is very welcome. In the intervening period, however, national treasures will inevitably come under threat of export – vendors are unlikely to delay selling on account of the Olympics. If, during this period, treasures depart these shores, there is unlikely to be a second opportunity to bring them back. A system of advance payments, to smooth out the variations in the annual amount available, if introduced, could ensure both that the next few years do not see a disproportionate loss to our heritage and that the Heritage Lottery Fund continues to provide its essential financial support.

Valuations

During the past year we have received a number of queries about our recommendations to the Secretary of State in respect of the matching price of items we consider meet the Waverley Criteria. Some thought we were seeking too much detail, others were concerned where the value was significantly above an item's relatively recent purchase price, while others doubted whether we had been rigorous enough.

It is important to be clear that the Committee must be even-handed and in these circumstances the matching price must represent the fair market-price at the time of the application for an export licence. Where a valuation has been set by auction or a private sale or sale agreement, provided that there is adequate evidence to support the value, we are not in a position to recommend a lower valuation because this would conflict with the owner's rights under Human Rights

legislation. However, in instances where the Committee considers the evidence provided in support of the valuation on the export licence application to be insufficient, we will request that the applicant provides further information to dispel our concerns. Where the requested evidence to support the valuation is inadequate we will recommend that the Secretary of State seeks independent advice on the valuation.

In the event of a UK purchaser coming forward, the price must be one which is fair both to the owner, and to the national heritage interests, and it must be recognised to be so by all concerned. Following observations made by the previous Permanent Secretary at DCMS after attending a meeting of the Reviewing Committee and a subsequent meeting with the Chairman and ensuing discussion among Committee Members, we have introduced an additional rigour into our consideration of the valuation aspects of the cases we hear. We now always try to ensure that at least one of the Independent Assessors is involved with the Art Market and can therefore bring to bear a knowledge and expertise in valuation if required.

Nonetheless, the Committee is not an investigative body and cannot go further than this. In cases where we are unsure whether a value represents a fair market price – and valuation is not a precise science – we shall recommend that the Secretary of State seeks further advice.

Enforcement of the law in relation to Export Control is the responsibility for HM Revenue & Customs and it is for them to determine what action to take in the event of concerns about abuse of the system.

Contractually binding obligations to sell

In our annual report for 2003-04, we reported on the recommendation in the Quinquennial Review that Ministers should consider introducing a binding 'offer and undertaking' procedure requiring an applicant to commit to a binding agreement to accept a matching

offer at the beginning of the second deferral period, and the Goodison Review's recommendation in favour of such a procedure. The then Secretary of State responded that, given the relative infrequency of cases where owners refuse matching offers during the period of deferral, the introduction of such a stipulation across the board would be disproportionate. We accept this but note that it is legally possible for a binding stipulation to be required in an individual case where it was justified and proportionate, for example in relation to an applicant who had persistently breached undertakings in the past. We reserve the right to recommend to the Secretary of State that such a stipulation could be imposed in an individual case, where the particular circumstances satisfy those criteria.

The Committee has tightened up its procedures in recent years. At the hearing an applicant is asked whether the owner would be prepared to accept a matching offer, and the implications of saying 'no' are explained if he/she declines. In addition we have introduced a form which we ask the owner to sign either at the end of the first deferral period or upon receipt of a firm offer to purchase the object to confirm that they are prepared to accept a matching offer. At the end of the period covered by this report there had been no instances where an owner had refused to confirm that they would accept a matching offer. Subsequently, one owner did indicate that they were not prepared to sign the form stating that they would accept a matching offer. After due consideration, the licence application was refused.

We remain of the opinion that the integrity and efficacy of the Waverley system rests upon those affected by it honouring the obligation to behave in accordance with a simple principle. If an expression of interest is made during the first deferral period and then followed up with a firm offer during the second deferral period, it will be accepted other than in exceptional circumstances.

We have no doubt this is generally understood and acted upon. However, were that to change we would advise the Secretary of State to reconsider the procedures, as might be appropriate, to enable them to achieve the underlying purposes of our system of Export Control.

Waverley criteria

We decided to re-present the section of the guidance to exporters to make it clear that the three Waverley criteria used to measure an item's outstanding importance are not mutually exclusive, nor is any one criterion more important than the others. Each of the relatively small number of exceptional items that meet the Waverley criteria is designated a national treasure, whose departure from the country would be a misfortune. Furthermore, the test is fully met by meeting any single criterion. The first criterion is concerned with historical importance, the second with aesthetic importance and the third relates to the object's importance for scholarship. The references to 'Waverley one', 'Waverley two' and 'Waverley three' should not be interpreted as indicating a hierarchical ranking.

Temporary licences

In August 2006 a 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.

ADDITIONAL SOURCES OF FUNDING FOR ACQUISITIONS

Museums, libraries and archives have, regrettably, limited acquisition funds. So we are grateful, as always, for the external funding provided towards purchasing items placed under deferral as a result of recommendations we have made. The main sources of funding are 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 £9,397,985 to support 12 acquisitions, including £7 million towards the purchase of the Anthony d’Offay collection by the Tate and the National Galleries of Scotland. Other significant grants included £17,485 towards the purchase of the execution warrant of Mary Queen of Scots by Lambeth Palace Library, and £92,000 towards the Lancashire County Museum Service’s purchase of the Rawlinson Bookcase made by Gillows of Lancaster.

ii) The Heritage Lottery Fund

The Heritage Lottery 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 £17,500 towards the London Borough of Hounslow’s purchase of one of the few surviving Hogarth manuscripts, a letter of 1754, for Hogarth’s House. Another highlight is the grant of £179,500 towards the purchase of three portraits of the Rackett family by George Romney for Dorset Museums.

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 over £3 million for 22 projects lasting up to five years under its 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)
1998-09	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	16.74
2004-05	1.22	1.18	20.65	23.05
2005-06	4.54	1.19	0.14	5.87
2006-07	6.40	2.10	1.20	9.70
2007-08	9.40	1.10	1.60	9.90

iii) The Art Fund

The Art Fund is an independent charity that exists to save art for everyone to enjoy. It receives no funding from government or the Lottery, and instead relies on subscriptions from over 80,000 members. Since it began in 1903 it has helped to save over 860,000 works of art for UK public collections. In 2007-08, The Art Fund contributed almost £250,000 to help secure six export-stopped items for the nation, including £100,000 towards the Judges' Lodging's purchase of a carved bookcase supplied by Gillows of Lancaster, and £40,000 to help purchase the Dering Roll for the British Library.

iv) 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 2007-08, it made 166 awards totalling £1,035,142.

Two items placed under deferral during the year following a recommendation of the Reviewing Committee came within its remit. The Fund contributed £20,000 towards the purchase by Lambeth Palace Library of an annotated copy of the execution warrant for Mary Queen of Scots, 1 February 1586/7 and £30,000 towards the purchase by Lancashire County Museums Service of the bookcase made for Mrs Hutton Rawlinson by Gillows of Lancaster, 1722.

v) Other grant making bodies

Other grant making bodies may also provide funding. In 2007-08, the Garfield Weston Foundation contributed £50,000 towards the National Army Museum's purchase of the *Portrait of General Wolfe* by J S C Schaak, the North West Regional Development Agency contributed £30,000 to Lancashire County Museums Service for its purchase of the bookcase made by Gillows of Lancaster, the Friends of the National Libraries contributed £5,000 towards Lambeth Palace Library's purchase of the copy

of the warrant for the execution of Mary Queen of Scots, and the Friends of the National Libraries and the MLA PRISM Grant Fund each contributed £1,885 towards the purchase of a ledger kept by a 17th-century lead merchant in the Peak District by Derbyshire Record Office. All of these items were placed under deferral following a recommendation of the Reviewing Committee.

vi) The Acceptance in Lieu Scheme and Private Treaty Sales

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.

a. The Acceptance in Lieu Scheme

The Acceptance in Lieu Scheme enables pre-eminent works of art and archives, and those that make a significant contribution to buildings in which they are housed, to become public property so that they are secure for the enjoyment and inspiration of all both now and in the future. A wide range of items was accepted during the financial year 2007-08, including groups of chattels from properties owned by the National Trust, including West Wycombe, Nostell Priory, Sissinghurst Castle and Dunham Massey. Paintings by Turner, Burne-Jones and Rossetti and an important portrait of the philosopher David Hume by Allan Ramsay were also saved, as well as a rare work by the Venetian painter Carlevarijs. Full details of all the works of art and the archives accepted through the scheme in 2007-08 and in the previous five years can be found on the MLA website at www.mla.gov.uk

b. Private Treaty Sales

If a heritage object is sold on 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 the amount that he or she would have received at the agreed market value, net after tax, but also receives a *douceur* (usually 25 per cent) of the tax that would have been chargeable. The purchaser normally pays what would have been paid under normal arrangements, less a proportion of the tax (usually 75 per cent) that would have been chargeable.

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 original Waverley Committee therefore recommended the creation of a widely representative Advisory Council, which would meet from time to time, as circumstances might require, to discuss matters of common interest and the operation of the system as a whole. It was envisaged that the Council would advise whether the right standards were being applied to the different categories of objects, as well as enabling institutions, not least provincial ones, and the art trade to make their views known.

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

The Advisory Council is normally convened annually and met on 5 June 2007. The main issue discussed was the process of acquisition by public institutions of export deferred items.

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. However the Working Party had no major issues for discussion this year and instead considered its short agenda by email. The first item was the operation of the new technical standard for the submission of digital images as copies of manuscripts. It was concluded that it was as yet too early to reach a judgement as to how the new technical standard was operating and that this issue should be considered at the next meeting of the Working Party after the new standard has been in operation for a full year.

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 Grant 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.

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

i) The MLA/V&A Purchase Grant Fund

The MLA/V&A Purchase Grant Fund reported that 40 applications had been received in respect of manuscript acquisitions and, of these, 23 were

successful and received grants totalling £175,315, enabling purchases of over £600,000 to go ahead. Due to pressure on limited resources, 30% of all grants awarded were reduced from the sums requested and one grant was rejected.

ii) The MLA PRISM Grant Fund

The MLA PRISM Grant Fund supports the acquisition and conservation of material relating to all fields of the history of science, technology, industry and medicine. During 2007-08, it made four grants for the acquisition of manuscript and archival material, totalling £18,307.

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 2007-08, they made or committed 37 grants to 34 institutions totalling £134,298 from the Operating Fund and £65,000 from the Philip Larkin Fund.

iv) The Heritage Lottery Fund and National Heritage Memorial Fund

The Funds made awards for the purchase of archival and manuscript material totalling £1,599,000. Acquisitions supported included £954,000 towards the purchase by The Everton Collection Charitable Trust of the Everton Football Club Archive.

v) Acceptance in Lieu

The Acceptance in Lieu scheme is also an important means of retaining archival material within the UK. In the 2007-08 financial year, eight offers in lieu of tax were completed which involved archival material. The acceptance of these settled over £2.2 million of tax.

vi) 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 2007-08, 52 items were purchased by 32 different repositories as a result of notifications. However, there were 35 unsuccessful bids, as repositories were outbid or dealers had already disposed of material.

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

CASE STUDIES

Consideration of items by the Reviewing Committee 2007-08

There were 12,236 licence applications during the period 1 May 2007 to 30 April 2008, covering a total of 37,190 individual items. Of these, 32,330 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 18 (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 18 items which we considered, 17 met at least one of the Waverley criteria. These are listed below. We starred three of them (cases 12, 14 and 15) as a sign of their outstanding importance, to indicate that especially great efforts should be made to retain them in the UK.

Case 1: A 16th-century printed pamphlet by Henry Roberts (met third criterion);

Case 2: A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772 (met third criterion);

Case 3: A 13-bore silver-mounted flintlock gun (met third criterion);

Case 4: An oil sketch by Sir Peter Paul Rubens, *Meleager and Atalanta Hunting the Boar* (met second criterion);

Case 5: A pair of 18th-century bronze busts after the antique of *Geta* and *Plautilla* by Pietro Cipriani (met second and third criteria);

Case 6: A marble bust of *The Virgin Annunciate* by Domenico Guidi (met second and third criteria);

Case 7: A portrait by Pompeo Batoni, *Wills Hill, the Earl of Hillsborough, later 1st Marquess of Downshire* (met third criterion);

Case 8: A painting by Domenico Zampieri, *Pietà* (met second and third criteria);

Case 10: A 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 11: A portrait of *General Wolfe* by J S C Schaak (met third criterion);

Case 12: A copy of the warrant for the execution of Mary Queen of Scots (met first and third criteria, starred);

Case 13: A ledger kept by a 17th-century lead merchant in the Peak District (met third criterion);

Case 14: An early English brass astrolabe quadrant (met third criterion, starred);

Case 15: The Dering Roll (met first and third criteria, starred);

Case 16: A painting by Rembrandt van Rijn, *Portrait of a Man Laughing* (met second and third criteria)

Case 17: A Roman Baroque cabinet on stand by Giacomo Herman (met second and third criteria);

Case 18: A painting by John Thomas Seton, *Portrait of Alexander Dalrymple*.

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

Items found not to meet the Waverley criteria

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

Case 9: A painting by Roelandt Savery, *The Temptation of Saint Anthony*, 1617.

Further information and details of this painting can be found in the case histories below.

Items where the licence application was withdrawn following the case hearing

Of the 17 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 16: A painting by Rembrandt van Rijn, *Portrait of a Man Laughing*.

Items referred to the Secretary of State

Sixteen cases were referred to you and your predecessors and you accepted our recommendations on all of them. The aggregate value of the 16 items deferred was £15,285,787.

Items that were acquired

Of the 16 deferred items, the following eight were acquired by institutions or individuals in the United Kingdom. We welcome the retention within the UK of all three starred items.

Case 2: A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772 by Lancashire County Museums Service for £260,000 including £100,000 from The Art Fund, £92,000 from NHMF, £30,000 from the MLA/V&A Purchase Grant Fund and £30,000 from the Northwest Regional Development Agency;

Case 3: A 13-bore silver-mounted flintlock gun by the Royal Armouries for £115,000 including £57,500 from NHMF and £28,750 from The Art Fund;

Case 11: A portrait of *General Wolfe* by J S C Schaak by the National Army Museum for £300,000 including £80,000 from NHMF, £50,000 from the Garfield Weston Foundation, £25,000 from the Society of Friends of the National Army Museum and £15,000 from The Art Fund;

Case 12: A copy of the warrant for the execution of Mary Queen of Scots by Lambeth Palace for £72,485.50 including £23,000 from the Friends of Lambeth Palace Library, £20,000 from the MLA/V&A Purchase Grant Fund, £17,485.50 from NHMF, £7,000 from the Friends of the National Libraries and £7,000 from the Trustees of Lambeth Palace Library;

Case 13: A ledger kept by a 17th-century lead merchant in the Peak District by Derbyshire Record Office for £3,770 including £1,885 from the Friends of the National Libraries and £1,885 from the MLA PRISM Grant Fund;

Case 14: An early English brass astrolabe quadrant by the British Museum for £350,000 including £125,000 from NHMF, £50,000 from The Art Fund, and £110,000 from The British Museum Friends;

Case 15: The Dering Roll by the British Library for £192,500 including £100,000 from NHMF, £40,000 from The Art Fund, £10,000 from the Friends of the British Library and £10,000 from the Friends of the National Libraries;

Case 18: A painting by John Thomas Seton, *Portrait of Alexander Dalrymple* by National Museums Scotland for £137,500 including £55,000 from the National Museums Scotland Charitable Trust and £15,000 from The Art Fund.

The eight items purchased have a total value of £1,431,256 (value price at deferral), which represents nine per cent of the total value of objects placed under deferral.

Items where the licence application was refused during the deferral period following the owner's failure to confirm that he/she was willing to accept a matching offer

Case 17: A Roman Baroque cabinet on stand by Giacomo Herman

The one item refused has a total value of £1,084,500 (value price at deferral), which represents just over seven 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 seven items listed below. The fair matching price at which each item was deferred is given in brackets.

Case 1: A 16th-century printed pamphlet by Henry Roberts (£114,400);

Case 4: An oil sketch by Sir Peter Paul Rubens, *Meleager and Atalanta Hunting the Boar*, (£3,301,231.44);

Case 5: A pair of eighteenth-century bronze busts after the antique of *Geta and Plautilla* by Pietro Cipriani (£650,000);

Case 6: A marble bust of *The Virgin Annunciate* by Domenico Guidi (£1,500,000);

Case 7: A portrait by Pompeo Batoni, *Wills Hill, the Earl of Hillsborough, later 1st Marquess of Downshire* (£2,200,000);

Case 8: A painting by Domenico Zampieri, *Pietà* (£3,044,000);

Case 10: A 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* (£1,960,400).

The seven items for which export licences were issued have a total value of £12,770,031.44, which represents just under 84 per cent of the total value of objects placed under deferral and 44 per cent in number.

Unresolved cases from 2006-07

At the time of writing our last Report, there was just one unresolved deferral: a painting by Alonso Sánchez Coello, *The Infante Don Diego*. A decision on the export licence was deferred until the outcome of the investigation by HM Revenue & Customs into information provided to the Committee had been concluded. This investigation is ongoing.

TABLE 1

The statistics below show the figures for the number of cases from 1998-99 to 2007-08

(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 (£ millions)	(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 (£ millions)
1998-99	20	17	9	53	2.5	8	47	21.0
1999-2000	18	13	10	77	4.5	3	23	5.0
2000-01	37	34	27	79	6.6	7	21	12.6
2001-02	34	30 ¹	25	83	7.5	5	17	11.4 ²
2002-03	26	23	14	61	51.7	9	39	23.2
July 2003- April 2004	18	9	7	78	6.8	2	22	1.0
2004-05	32	25	15	60	16.2	10	40	30.2
2005-06	22	17	9	53	8.3	8	47	7.3
2006-07	28	19 ³	14 ⁴	74	11.8	4	21	10.7
2007-08	18	16	9 ⁵	56	2.5	7	44	12.8
TOTALS	253	203	139	68	118.4	63	31	135.2

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

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

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

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

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

TABLE 2

The statistics below show the figures for the values associated with cases from 1998-99 to 2007-08.

(1) Year	(2) Cases where a decision on the licence application was deferred	(3) Value of items in (2) (£ millions)	(4) No of cases where items were acquired by institutions or individuals in the UK ⁶	(5) Value (at deferral) of items in (4) (£ millions)	(6) Value of items in (4) as % of (3) (£ millions)	(7) Cases where application was refused or withdrawn after announcement of Secretary of State's decision	(8) Value of items in (7) (£ millions)
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 ⁷	18.9	22 ⁸	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 ⁹	24.5	12	7.0	29	3	4.8
2007-08	16	15.3	8	1.4	9	1	1.1
TOTALS	203	255.6	117	80.4	31.5	26	39.5

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

⁷Excludes 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.

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

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

PART II: Operation of the Control

During the period covered by this report (1 May 2007 to 30 April 2008), there were 12,236 applications for export licences, covering a total of 37,190 items. This included 1,444 applications for manuscripts, documents or archives. Of these 37,190 items, 32,330 items with a value of £2,111,129,690 were licensed after they had been referred to expert advisers. 14,333 items, with a value of £6,297,615,224 were licensed after the Export Licensing Unit was satisfied that they had been imported into the United Kingdom within the past 50 years. 1,281 of these items were manuscripts, documents or archives. Sixteen Open Individual Licences were issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives. 2,707 items, with a value of £1,840,307,871 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, 28 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, 10 were withdrawn before they reached the stage of consideration by us. Accordingly 18 cases were considered at eight 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) (£ millions)	(6) No of cases in (3) where items were licensed for permanent export	(7) Value (at deferral) of items in (6) (£ millions)	(8) Percentage of cases in (3) where a licence for permanent export was eventually granted
1998-99	20	17	9 ¹	2.5	8	21.0	47
1999-2000	18 ²	13	10 ³	4.5	3	5.0	23
2000-01	37 ⁴	34	27 ⁵	6.6	7	12.6	21
2001-02	34 ⁶	30 ⁷	25 ⁸	7.5	5 ⁹	11.4	17
2002-03	26	23	14 ¹⁰	51.7	9	23.2	39
2003-4 (1 July - 30 April)	18 ¹¹	9	7	6.8	2	1.0	22
2004-05	32 ¹²	25	15	16.2	10	30.2	40
2005-06	22 ¹³	17	9	8.3	8	7.3	47
2006-07	28	19 ¹⁴	14 ¹⁵	11.8	4	10.7	21
2007-08	18 ¹⁶	16	9 ¹⁷	2.5	7	12.8	44
TOTALS	253	203	139	118.4	63	135.2	31

¹ Including one case where the licence application was withdrawn during the deferral period.

² 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.

³ Including four cases where the licence application was withdrawn during the deferral period.

⁴ A further five cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

⁵ Including four cases where a licence application was withdrawn during the deferral period.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ A licence was issued for a further item, but a UK institution subsequently purchased the item.

¹⁰ Including two cases where a matching offer was refused and the Secretary of State therefore refused an export licence.

¹¹ 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.

¹² A further 15 cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

¹³ 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.

¹⁴ 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.

¹⁵ Including two cases where the licence application was withdrawn during the deferral period.

¹⁶ Including one case where the licence application was withdrawn before the Committee's recommendation was made to the Secretary of State. A further 10 cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

¹⁷ Includes one case where the owner failed to confirm at the end of the first deferral period that he/she was willing to accept a matching offer from a UK purchaser and the Secretary of State subsequently refused an export licence.

Individual export cases

Case 1

A 16TH-CENTURY PRINTED PAMPHLET BY HENRY ROBERTS

This first edition printed pamphlet, *Lancaster his Allarums, honourable assaultes, and Supprising of the Block-houses and Store-houses belonging to Fernand Bucke in Brasill* by Henry Roberts and dated 1595 measures 18.4 x 12.7 cm. It is illustrated with two woodcuts and tells the story of a sea voyage to Brazil undertaken by Sir James Lancaster in 1594.

The applicant had applied to export the printed pamphlet to the USA. The value shown on the export licence application was £114,400, which represented the auction price of £105,600, plus dealer's commission of £8,800.

The Head of British Collections 1801-1914 at the British Library, acting as expert adviser, had objected to the export of the pamphlet 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 sixteenth-century maritime history.

The expert adviser stated that this very rare account of an expedition by Sir James Lancaster in 1594-5 to raid Portuguese possessions in the Canary Islands and Brazil related to one of the most crucial periods in British maritime history, a period which also had a formative influence on the development (and myth) of national identity. Between 1580 and 1640, Portugal was absorbed by Spain, England's bitter enemy. The text, published soon after the return of the fleet, provided a detailed and vivid first-hand description of the fitting out of ships and their crew, the incidents of the voyage, the adventures of the seamen, and the battles which they fought with the Portuguese.

She went on to state that this was the sole edition of *Lancaster his allarums* prior to its republication in 1940 by the Hakluyt Society. Until this present copy was discovered in the library of the Earls of Macclesfield,

where it had probably been for the past 300 years, only two copies were known; both of these were already in institutional libraries in the USA.

In a supporting statement the Head of Library and Manuscripts at the National Maritime Museum said that Lancaster could be considered among the great pioneers building Britain's economic empire with his contemporaries, Drake, Raleigh, Hawkins and Frobisher.

The applicant agreed with the expert adviser that the pamphlet met the Waverley criteria.

We heard this case in June 2007 when the pamphlet 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 £114,400. 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.

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

Case 2

A CARVED AND MARQUETRY BOOKCASE SUPPLIED BY GILLOWS OF LANCASTER TO MRS HUTTON RAWLINSON, 1772

The bookcase, which measures 208 x 127 x 65cm is made largely of mahogany. This highly ambitious piece of furniture, ornamented with both carving and marquetry, is an exceptionally early, fully documented product of the Gillow firm, made for the widow of a substantial Lancaster merchant.

The applicant had applied to export the bookcase to the USA. The value shown on the export licence application was £285,000, which represented an estimated value.

The Keeper, Furniture, Textiles and Fashion Department at the V&A, acting as expert adviser, had objected to the bookcase's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the Lancaster firm of Gillows and the operations of the furniture trade.

The expert adviser said that research had revealed that the bookcase was made by Gillows of Lancaster in 1772 for the prosperous Quaker widow, Mary Hutton Rawlinson, née Dilworth (1715-1786). Her husband Thomas Hutton Rawlinson (1712-1769), the son of a Lancashire ironmaster, had himself been a successful West Indies merchant, trading from the port of Lancaster. Indeed he and later his son Abraham were the principal Lancaster importers of mahogany, which they supplied to Gillows. Gillows' 'estimate book' recorded that this 'Elegant Bookcase' had been made in July 1772 for the use of 'Mrs. Hutton Rawlinson or her Daughter', who was not named. The bookcase was passed down through the family.

The expert adviser went on to say that the prime importance of the bookcase lay in the discovery of the detailed account for its manufacture in the Gillows Archive. So precise was the account – recording, for instance, the use of mahogany veneer on the inside surfaces of the lower section ('finears within the Bottom part') as against solid mahogany in the upper section, the '16 Leaves of Gold & Size' (traces of which have been found on the glazing bars), and the exact number of hinges, screws, bolts and escutcheons deployed – that the bookcase could be securely identified from this written description alone. The attribution to Gillows was endorsed, however, by comparison with two other documented pieces. A chest-of-drawers made for the Duke of Dorset in June 1772 had very similar marquetry on the canted corners. It also had identical drawer-handles.

A less direct but in some ways more interesting comparison could be made with a mahogany bookcase that had the same pattern of gadrooned bracket feet: this was signed by 'Taylor', seemingly William Taylor, partner in the London firm of Gillow & Taylor, which was established in 1769. The other partner, Thomas Gillow, was cousin to the Gillow brothers who, in the same year, took on the direction of the Lancaster firm (and were later to take over the London practice too). The two firms clearly exchanged ideas as well as materials and finished cabinet wares during the short-lived Gillow & Taylor partnership.

The bookcase under consideration was an unusually early documented example of Gillows furniture, made about 40 years after the establishment of the Lancaster firm by Robert Gillow I (1702/3-1772). It was his sons, Richard (1733-1811) and Robert II (1746/7-1795) who from the late 1770s expanded the thriving Lancaster firm, already catering to the local gentry and industrialists, to become one of the leading metropolitan upholsterers of the 19th century, attracting a wide-ranging clientele that embraced the aristocracy and the middle classes. Much was known of Gillows' activity in this later period. However, very little of their pre-1790 production was accredited, let alone fully documented like this piece. The bookcase was all the more important for the intimate connection of its original owner with Lancaster – and indeed with Gillows: the strong likelihood was that it was made of mahogany imported by the Rawlinsons themselves.

The Gillows account was significant not just as a record of the maker and original owner of this piece of furniture, but in addition for its evidence of the operations of the furniture trade, instanced in this bookcase. Furniture historians have frequently pronounced, but can rarely demonstrate, that 18th century tradesmen distinguished the extra costs incurred in the use of especially good materials or refined execution. Here was shown proof: the use of inlay in an object otherwise 'like the Sketch' was noted, together with the 'Extra Cha[rge] for Extraordinary finers [veneers]'. We also learnt that

the carving and marquetry were subcontracted to two other Lancaster cabinet-makers, Thomas and John Dowbiggin. The fact that both tasks, 'Carv^s & Inlaying' – and by implication also the gilding – were carried out by each of them was notable, and may have reflected a difference in furniture making practice between London (where it seemed that there generally was greater division of labour) and most provincial towns.

The combination of carving and marquetry in one piece of furniture was in itself unusual, and quite exceptional for Gillows, who seemed to have made minimal use of either technique in their 18th-century output. Such conspicuous ornamentation was also surprising in a commission from a member of the Society of Friends. Clearly this object opened up a wide variety of questions for the study of taste as well as trade and manufacture. It also had an unusually significant place in the social and commercial history of Lancaster.

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

We heard this case in July 2007 when the bookcase 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 £260,000 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 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 bookcase by Lancashire County Museums Service. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the bookcase had been purchased by Lancashire County Museums Service

for display at the Judges' Lodgings Museum in Lancaster, with assistance from The Art Fund, the National Heritage Memorial Fund, the MLA/V&A Purchase Grant Fund and the North West Regional Development Agency.

Case 3 **A 13-BORE SILVER-MOUNTED FLINTLOCK GUN**

The gun is fitted with a fine earlier Turkish matchlock barrel 123.2cm long, with a lobed silver-inlaid bulbous muzzle, engraved fore-sight, and breech section decorated with arabesques, tulips and flower-heads on a silvered ground and struck with a mark. The butt-plate is dated 1688 and inscribed '*The Barrell Made By Moore Or Turk/ Crisp Made Ye Rest All English Work/ Ye Silver Tried Without Deceit*' and '*Ex Dono Georgy Baron Dartmouth/ Apud Spithead*'.

The applicant had applied to export the gun to the United States. The value shown on the export licence application was £115,000, which represented the price at which the present owner had agreed to sell.

The Curator of Arms and Armour at the Wallace Collection had objected to the gun'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 English gunmaking and silversmithing.

The expert adviser, the Head of Conservation at the Wallace Collection, considered that the gun met all three of the Waverley criteria. The firearm was closely connected with the invasion of William of Orange in 1688, a turning point in British history. Unusually for such items, its early provenance was known, although there was scope for further research into its history and the circumstances of its commissioning from the Gunmaker to Ordnance and Furbisher, Tower of London (1680-1707), Henry Crisp. It was known

that it had been commissioned by George Legge, 1st Baron Dartmouth, who was a key supporter and friend of King James II, as well as being commander-in-chief of the Royal Navy in 1688. He died in the Tower of London in 1691. The expert adviser argued that the gun's history was therefore inextricably bound up with the events of the Glorious Revolution and the career of James II.

The expert adviser said the weapon was the earliest and one of the finest English silver-mounted long-guns in existence, an object of exceptional elegance in form and decoration, strongly demonstrative of the aesthetic environment of England and English art in the late seventeenth century. At this time even fine-quality English guns were more usually mounted in iron, so this example being mounted in silver was of the greatest rarity; it carried the earliest recorded English silver hallmark of any firearm known.

He went on to state that this firearm was also relevant to the studies of English gunmaking, silversmithing and decorative art in general. Its construction incorporated the earliest known example of the use of silver mounts on a long-gun in England, and it was also highly unusual in that it had been built around an earlier, Turkish, barrel. This exquisite silver-inlaid barrel might well have been acquired or captured by George Legge himself; whatever its story, its use in a gun of this quality clearly held great personal significance for him. The fact that the maker then inscribed the butt-plate with a rhyming couplet was highly unusual and evocative, showing both Crisp's sense of humour and his pride in his own craftsmanship: *The Barrell Made By Moore Or Turk/Crisp Made Ye Rest All English Work.*

Although the applicant did not disagree that the gun met the first Waverley criterion, his view was that its importance was much diminished by the fact that the inscription on it only identified the donor and not the recipient or the reason for its presentation. A silver-mounted flintlock gun with a complete and more impressive history recorded on the barrel was already in the collection of the Royal Armouries as

was another, more important flintlock gun of similar type and date. He went on to cite other late seventeenth-century guns superior to the Crisp gun in UK public collections. The applicant disagreed that the gun met the second or third Waverley criteria.

We heard this case in July 2007 when the gun 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 £115,000. 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 deferral period should be extended by a further three months.

We were subsequently informed that the gun had been purchased by the Royal Armouries with assistance from the National Heritage Memorial Fund and The Art Fund.

Case 4 **AN OIL SKETCH BY SIR PETER PAUL RUBENS, MELEAGER AND ATALANTA HUNTING THE BOAR**

The painting, which measures 25.2 x 52 cm, is oil on oak panel. The painting is a depiction of the mythological hunt as recounted by Ovid. Rubens' vigorous composition portrays the dramatic moment when Meleager, Atalanta and the hounds all attack the boar.

The applicant had exported the painting to the USA in error, believing it to have been imported into the UK within the last 50 years. DCMS had commissioned a condition report to ascertain if the painting would be able to travel back to London to be considered by the Reviewing Committee. The condition report did conclude that, although fragile, the painting was in a stable condition. The recommendation was that it could travel with appropriate safeguards. The owner,

however, decided that this was too great a risk to the painting. He was not prepared to allow it to travel across the Atlantic. A reduced, but quorate, Reviewing Committee therefore went to New York to hold the meeting and view the painting there. All related costs were covered by the applicant as they acknowledged responsibility for the mistake.

The value shown on the export application was £3,301,231.44 which represented the auction price of £2,800,000 plus VAT on the auction price of £140,028 plus the buyer's premium of £344,000 and VAT of £17,203.44 payable on the premium.

The Senior Curator, the National Gallery, acting as expert adviser, had objected to the export of the oil sketch of *Meleager and Atalanta Hunting the Boar* under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

The expert adviser stated that although British collections are rich in works by Rubens, our public collections have only one very sketchy representative (National Gallery *Lion Hunt*, 1613) of a major genre in his production, the hunt. This painting is a brilliant summation of the artist's lifetime exploration of animals and humans in conflict.

He went on to explain that the sketch was a vigorous yet resolved template for a larger painting commissioned by Philip IV of Spain, now lost. Hunts were a major theme in Rubens' production and with their mythic and heroic associations, these subjects were eagerly sought across the courts of Europe.

The expert adviser went on to state that *Meleager and Atalanta Hunting the Boar* represents Rubens' most lyrical and pictorial treatment of a theme which he originally conceived as a crowded relief but ultimately depicted in an understated circular composition which exemplifies the controlled energy. In his view the sketch was a masterly display of a genre that went on to inspire artists as diverse as Watteau and Delacroix.

The applicant did not agree that Rubens' oil sketch *Meleager and Atalanta Hunting the Boar* met the Waverley criteria. In relation to the first Waverley criterion, the context of the painting's original execution was unknown. It was subsequently selected in 1639 by Rubens for inclusion as part of a commission of works by the Cardinal Infante Ferdinand on behalf of Philip IV of Spain, as a *modello* for a larger painting of the *Calydonian Boar Hunt* for the king's summer apartments in the Alcázar.

There is no known early link with this country, and the date of its arrival in Britain is unknown. It is first recorded in the country on its sale from the Lake collection in 1845, and subsequently passed through two other owners, one of whom exported it to France, where it was acquired in Paris by Sir Francis Cook in 1868. Except by virtue of its being a part of a British collection, it has no link with the history of Britain and its historical significance lies instead in its being a *modello* for one of the paintings in the Alcázar destroyed in the fire of 1734.

The applicant said that there were a great number of works by Rubens in British public and open private collections, including pictures commissioned by British patrons, most notably Kings James I and Charles I.

Regarding the second Waverley criterion the applicant agreed that the painting was a very beautiful image and of very great quality, but considered that the importance of this sketch within Rubens' oeuvre was arguable. It is a *modello* rather than a completed work, and although it formed part of a Spanish royal commission, it was not conceived as such. The commission consisted of a group of largely heterogeneous works thought to have been assembled by Rubens mostly from independently created works put together on an ad hoc basis, rather than conceived and designed by him as a unified decorative cycle. It was therefore not of the aesthetic importance of sketches for, by example, the Whitehall ceiling, the Marie de'

Plate I: A 16th-century printed pamphlet by Henry Roberts

Plate II: A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772

Plate III: A 13-bore silver-mounted flintlock gun

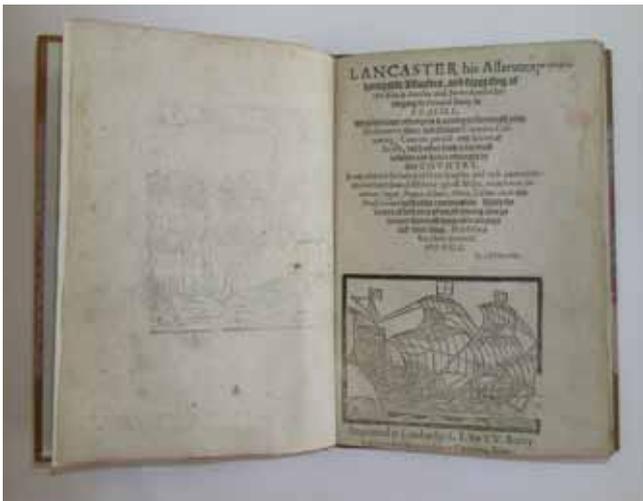






Plate IV: An oil sketch by Sir Peter Paul Rubens, *Meleager and Atalanta Hunting the Boar*

Plate V: A pair of eighteenth-century bronze busts after the antique of *Geta and Plautilla* by Pietro Cipriani

Plate VI: A marble bust of the *Virgin Annunciate* to Domenico Guidi

Plate VII: A portrait by Pompeo Batoni, *Wills Hill, the Earl of Hillsborough, later 1st Marquess of Downshire*





Plate VIII: A painting by Domenico Zampieri, *Pietà*

Plate IX: A painting by J M W Turner, *Lake of Lucerne, from the Landing Place at Fluelen, looking towards Bauen and Tell's Chapel, Switzerland*

Plate X: A portrait of General Wolfe by J S C Schaak





Plate XI: A copy of the warrant for the execution of Mary Queen of Scots

Plate XII: A ledger kept by a 17th-century lead merchant in the Peak District

Plate XIII: An early English brass astrolabe quadrant

Plate XIV: The Dering Roll





Plate XV: A Roman Baroque cabinet on stand by Giacomo Herman

Plate XVI: A painting by John Thomas Seton, *Portrait of Alexander Dalrymple*



Medici cycle or even the Torre de la Parad pictures, of which the ex-Wernher collection sketch by Rubens acquired for the Prado in 2000 (case 5 2000-2001) was an example.

Furthermore the applicant stated that Rubens is well known as a relatively prolific artist. There are approximately 200 paintings by Rubens in collections throughout the country, including all the major galleries and many National Trust and private houses open to the public. Rubens' work has been studied to a vast extent over the years. This picture has never been seen as a work of particular academic importance within Rubens' oeuvre.

We heard this case on 14 August 2007 when the painting was shown to us. We found that it met Waverley criterion two. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £3,301,231.44. 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.

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

Case 5

A PAIR OF 18TH-CENTURY BRONZE BUSTS AFTER THE ANTIQUE OF GETA AND PLAUTILLA BY PIETRO CIPRIANI

The busts are early eighteenth-century bronze casts after antique marble sculptures of third century CE in the Grand Ducal Gallery at the Uffizi in Florence (inv. nos. 1914.n.226 and 1914.w.218), and portray two victims of Emperor Caracalla. The male bust, which measures 46.5 cm in height, shows his brother, Lucius Septimius Geta (189-211 CE), the younger son

of Emperor Septimius Severus. He served briefly as governor of Britain at York, but was murdered by Caracalla in February 211 CE, probably because he was seen as a dangerous rival. The female bust, which measures 62 cm in height, represents Publia Pulvia Plautilla (d. 212 CE), who was the daughter of Gaius Fulvius Plautianus, commander of the praetorian guard, and who married Caracalla in 202 CE. After her father's execution, however, she was banished by her husband, who arranged her murder soon after Geta had been killed, probably because she was seen as one of his associates.

The applicant had applied to export the busts to the USA. The value shown on the export licence application was £650,000 which represented an estimate.

The Senior Curator, Sculpture, Metalwork, Ceramics and Glass at the V&A, acting as expert adviser, had objected to the busts' 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 eighteenth-century baroque bronzes.

The expert adviser informed us that the busts were cast by Pietro Cipriani, who in 1709 had assisted the great Florentine bronze sculptor Massimiliano Soldani-Benzi (1656-1740) in the casting of bronze copies of antique statues for the Duke of Marlborough for Blenheim. Soldani was the greatest bronze caster in Europe in the baroque period, his studio being located in the Uffizi. Cipriani also became a master bronze caster, and was working independently of Soldani by the 1720s, supplying copies of antique sculptures in bronze and plaster to numerous British visitors to Florence, including Horace Walpole.

The expert adviser considered the busts to be outstanding examples of bronzes cast in early eighteenth-century Florence, made by an artist whose close connection with Soldani testified to his expert casting methods, as well as his mastery of chiselling and patina. Cipriani's bronzes clearly depended from

the antique prototypes, but the degree of sensitive finish of the surface of the bronzes, particularly seen in the hair, eyebrows, crisp togas, and the fine golden patina and reflective surfaces of the faces, were distinctive 18th-century qualities, recalling contemporary goldsmiths' work. Geta's childlike face had chiselled eyebrows and lips, and even the whites of the eyes were carefully worked. Plautilla's head was tilted downwards, and her melancholy youthful look seemed to encapsulate her tragic story. Her stylised coiffure, her hair plaited at the back, and her joined eyebrows were again sensitively chiselled. The bronzes were fixed to their original square mottled green verde di Prato marble socles.

The expert adviser stated that the busts were commissioned from Cipriani in 1722 for Thomas Parker, 1st Earl of Macclesfield (1666-1732) by his son, the Hon. George Parker (c. 1697-1764), who was on the Grand Tour from 1719 to 1722, and who spent the winter of 1721-2 in Florence. The artist was commissioned to cast life-size bronze copies of two antique statues, the Medici Venus and the Dancing Faun, at the same time as the busts. All four bronzes were intended for display in the gallery being constructed at Shirburn Castle, Oxfordshire, which Lord Macclesfield had bought in 1716. An eminent lawyer and Whig politician, he was Lord Chief Justice from 1710 to 1718, and Lord Chancellor from 1716 to 1724. In 1725 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 Shirburn Castle, where he is buried. The busts were owned by descent through the family until bought by the present owners after the Christie's sale in London in December 2005.

The expert adviser added that although the two busts worked well as pendants both visually and in terms of their subject matter – two young people both callously murdered by Caracalla, who was the husband of one, and the other's brother – Lord Parker had originally wanted to obtain a cast of a bust of the beautiful youth Antinous as a companion to that of Plautilla. The antique busts of Geta and Plautilla were similar

in date and style to one another, and were displayed together, but were probably not designed as a pair. The bust of Geta was substituted for that of Antinous, perhaps an attractive alternative for Lord Macclesfield, given the subject's historical connection with Britain, as governor of York. Permission for the casting was granted by their owner, Duke Cosimo III de' Medici (1642-1723), on the understanding that the plaster moulds were not to remain in Florence, so that the original classical sculptures could not be widely reproduced. The antique busts were somewhat larger than the bronzes; the Geta was 52 cm. high, and the Plautilla 65 cm. high, since the process of casting would have caused a slight shrinkage.

The expert adviser considered that Lord Macclesfield's bronzes at Shirburn Castle were highly prized from the time of their acquisition, being shown in a gallery specifically constructed for their display at his country seat, an exceptionally early example of a sculpture gallery in this country. These busts epitomised the passion eighteenth-century British collectors felt for classical sculpture. Acquired on the Grand Tour, specially commissioned from one of the most experienced and accomplished bronze casters in Italy at the time, these were eighteenth-century bronzes of the highest order, acquired for one of the foremost and earliest collections of copies after classical sculpture in Britain.

The applicant did not disagree that the Cipriani busts under consideration met the Waverley criteria.

We heard this case in September 2007 when the bronze busts were shown to us. We found that they met Waverley criteria two and three. 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 £650,000 (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 deferral period should be extended by a further three months.

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

Case 6

A MARBLE BUST OF THE VIRGIN ANNUNCIATE BY DOMENICO GUIDI

This monumental bust shows the Virgin Annunciate receiving the news of the Incarnation from the angel Gabriel. The Virgin's head is turned to her left and looks meekly downwards. Her left hand is pressed to her breast and she holds a book in her right hand. Her head-dress billows out behind and some of the drapery of her robe is tucked up over her left arm. The full folds of her robe follow the swing of her body as she appears to turn away from the announcing angel.

The bust is 89 cm high, carved in Carrara marble and attributed to Domenico Guidi (1628-1701).

The applicant had applied to export the sculpture to Liechtenstein. The value shown on the export licence application was £1,500,000 which represented a private treaty contract.

The Senior Curator, Sculpture, Metalwork, Ceramics and Glass Department, at the V&A, acting as expert adviser, had objected to the 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 Italian baroque sculpture in historic British collections.

The expert adviser said the marble was purchased by Charles, 8th Baron Kinnaird of Inchture (1780-1826) probably in 1822 in Rome. Lord Kinnaird had been an avid collector, and housed his important collection of works of art at his seat, Rossie Priory, Inchture, in Perthshire, which he had started building in 1807. The sculpture was one of the core pieces from the collection. Although by the late nineteenth century it was displayed in the library, it may have once been

shown in the great sculpture gallery built by the 8th Baron, which was demolished in the 1950s.

The expert adviser explained that from at least 1890 onwards the sculpture was ascribed to Gianlorenzo Bernini (1598-1680), and was displayed in the library at Rossie Priory. A H Millar had written, 'The statuary in the library consists of... an exquisite piece of sculpture in the pure Carrara marble, toned with age, representing the half-length draped figure of a female saint, which was formerly fixed to the wall of a church near Rome, and is attributed to Bernini.' In 1939 the bust was still in the library at Rossie Priory, and had been described in a contemporary guidebook: 'In the library, a glorious apartment, there is some rare sculpture, including a Seventeenth Century bust by Bernini...'

The more likely author of this bust was in fact Domenico Guidi, Algardi's favourite pupil, who was the leading sculptor in Rome after Bernini's death in 1680. The handling of the drapery and hair in particular recalled some of Guidi's finest works, such as the St Apollonia in the church of Sta Maria degli Abbandonati at Torano, the sculptor's birthplace. The almost rectangular forms of the draperies were also comparable with the work of the contemporary Roman painter Carlo Maratta (1625-1713), and indeed a painting of the Virgin Annunciate by Maratta was owned by the sculptor; the two artists had been very close friends. In the *Zibaldone baldinucciano*, first published in 1691, reference had been made to a half-length figure of the Virgin Annunciate in Guidi's studio ('una mezza figura della Santissima Annunziata, qual'è ancora nel suo studio'). This same sculpture may have remained in the workshop until 1701, when Guidi was gravely ill, along with a second work of the same subject. A letter dated 19 February 1701 from padre Sebastiano Resta to Matteo Marchetti, who was in charge of Guidi's collection, noted that two sculptures of the Virgin Annunciate of three palms in height ('due nunciate di tre palmi') were for sale at 400 scudi each, even if the ladies (probably Guidi's daughter and servant) asked 1,000 for them

('le donne gridano mille'). A palm is 22.34 cm and so three palms would have meant these sculptures were approximately 67 cm high, somewhat smaller than the present piece. The early measurements may however have been inaccurate, and at the very least these documentary references demonstrated that Guidi produced sculptures of this subject and type. Both works were almost certainly documented once again in the inventory of 18 July 1702, after Guidi's death, where they had been described as unfinished ('Dui Mezze figure imperfette di marmo cioè la Madonna et un Angelo', and 'Un busto d'una Madonna non finito'). If one was to be identified with the Kinnaid Virgin, it may have been subsequently completed by one of Guidi's assistants.

The expert adviser thought this work was an outstanding example of Italian baroque sculpture. The handling of the marble was assured and sensitive, particularly on the hair and drapery, and this was typical of Guidi's manner. Although the work had been described as a bust, it was in fact a generous half-length figure of the Virgin which showed her gesturing arms and hands, and was a relatively unusual type. The uncompromising religious subject, redolent of spiritual emotion and expression, was an extraordinary piece to be brought back from Italy by a British visitor in the early nineteenth century.

The collection at Rossie Priory in Scotland was an exceptional and eclectic group of works of art. The 8th Baron Kinnaid, a close friend of Lord Byron, had acquired many important pieces, and this bust stood out as one of the finest. She said this work was probably the most important Italian baroque sculpture in a historic Scottish collection and was a work of the utmost rarity and quality.

The applicant did not disagree that the marble *Virgin Annunciate* met the Waverley criteria.

We heard this case in September 2007 when *Virgin Annunciate* was shown to us. We found that it met Waverley criteria two and three. We recommended

that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,500,000 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 three months.

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

Case 7

A PORTRAIT BY POMPEO BATONI, WILLS HILL, THE EARL OF HILLSBOROUGH, LATER 1ST MARQUESS OF DOWNSHIRE

The painting is oil on canvas and measures 227 cm x 161 cm. It is signed and dated Pompeius Batoni Pinxit, Romae Anno 1766. It depicts the Irish peer Wills Hill (1718-1793) standing alongside his wife's sarcophagus gazing mournfully at her portrait, while Hymen (or Hymenaeus), the personification of the Greek God of wedding ceremonies holds a nuptial torch before it. Wills Hill commissioned the pre-eminent portrait painter Pompeo Batoni in Rome in early 1766 a few months after the death of his wife.

The applicant had applied to export the painting to Rome. The value shown on the export licence application was £2,200,000, which represented an estimate with supporting documentation.

The Curator, Eighteenth and Nineteenth Century British Art, Tate, acting as expert adviser, had objected to the portrait's export under the first and third Waverley criteria on the grounds that as a portrait of the politician Wills Hill 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 this individual and his close connections to national politics and Irish history.

The expert adviser stated that Batoni was, from the 1750s until shortly before his death, the pre-eminent portrait painter in Rome specialising in portraits of those visiting Italy on the Grand Tour, particularly British visitors. This portrait was something of an exception in Batoni's oeuvre since it is the product of Hill's grief at the death of his wife. She had died, aged 37, in Naples in January 1766 a couple of months after they had arrived in late 1765 to try and restore her health. Wills Hill left Naples some weeks later, arrived in Rome in March 1766 when he sat to Batoni, passed through Florence in April-May and was back in England by early August.

Batoni was famous for his likenesses and also for his great studio skill in placing his sitters alongside some of those famous works of ancient classical sculpture which they had come to see. In this case Batoni shows a man in the midst of a personal tragedy but also an ambitious politician on the brink of a career which was to significantly and adversely shape Anglo-American relations over the next few years and, along with others, bring his country step by step closer to the War of Independence in 1775.

As well as emphasising the sitter's close connections to our past internal affairs of state, the expert adviser underlined Wills Hill's significant place in Irish history. Hill was from a long established Irish family. The Public Record Office of Northern Ireland (PRONI) in Belfast holds about 50,000 documents and volumes of the family's political and general correspondence from 1707-1868 and estate correspondence and legal and financial records of 1523-c.1953 relating to the Irish and English estates of the Downshire family.

In this archive there are approximately 600 letters and papers, 1774-1793, of Wills Hill. There are letters and papers from Hill's time in politics and in Cabinet and also about the management of his County Down estate. Hill rebuilt the family mansion, Hillsborough Castle. Since 1922 this has been owned by the British Government and from 1972 it has been the official residence of the Secretary of State for Northern Ireland: the Good Friday Agreement was signed there in April 1998.

The applicant disagreed that the portrait met any of the Waverley criteria. In his view although Batoni is a noteworthy artist, he cannot be regarded as an artist of UK cultural importance. Furthermore he believed that as the portrait, is of an individual and was commissioned privately, it cannot be regarded as being of outstanding national importance. Although the painting is a good example of Batoni's Grand Tour portraits, a superior example of the same date is already owned by the National Trust and on public view in the UK at Fyvie Castle: *Colonel the Hon William Gordon*. The applicant also made the point that as Batoni was so popular with British grand tourists there are records of over 200 portraits by him of British patrons visiting Rome. There are so many examples of Batoni's portraits in UK private and public collections that this portrait could not be considered a rarity in this country.

We heard this case in September 2007 when the portrait was shown to us. We found that it met Waverley criterion on three. 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 £2,200,000 (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 deferral period should be extended by a further four months.

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

Case 8

A PAINTING BY DOMENICO ZAMPIERI, *PIETÀ*

A devotional oil painting on copper of the *Pietà* with Joseph of Arimathea, dated 'M-DCIII' at lower left (1603). The dimensions of the painting are 52.4 x 39.1 cm.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £3,104,200 which represented the auction price plus buyer's premium and VAT on the premium.

The Senior Curator, 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 art history.

The expert adviser had stated that this was an exceptionally beautiful painting created by Domenichino in homage to his master, Annibale Carracci, and to the new style that he had forged in the immediately preceding years in Rome. He argued that, although the classical Baroque style today lacked the popularity of Caravaggio's realism, it was to have a far more profound impact on the art of succeeding centuries, and this painting represented a major early statement in its development. The impressive balance of colour and chiaroscuro endowed the painting with great presence, which could be fully appreciated owing to the very fine condition.

Following his studies with Ludovico Carracci in Bologna, Domenichino had moved to Rome in 1602 to join the team of artists working under Annibale at the Palazzo Farnese. The *Pietà*, dated the following year, was the

first of five paintings that Domenichino modelled on prototypes by Annibale in the succeeding decade: *Susanna and the Elders*, 1603 (Rome, Doria Pamphilj), *Madonna del Silenzio*, ca. 1605 (Paris, Louvre), *Adoration of the Shepherds*, 1607-08 (Edinburgh, National Gallery of Scotland), and a lost *Pietà* of 1611-12. In contrast with the National Gallery's *St Jerome*, painted shortly before and more under the influence of Ludovico, the *Pietà* was an early demonstration that the artist would succeed Annibale as the leader of the classical school of painting in Rome.

Domenichino's *Pietà* virtually reproduced the *Pietà with St Francis of Assisi* (Louvre), an altarpiece designed by Annibale before 1603, but not completed until 1607, largely with workshop assistance. The painting was intended for the Mattei Chapel in San Francesco a Ripa, Rome, which occasioned the inclusion of St Francis. In Domenichino's painting, this figure was replaced by Joseph of Arimathea, which perhaps reflected Annibale's initial conception, but more likely represented Domenichino's 'correction' to achieve dramatic and visual unity. Domenichino also extended the range and intensity of Annibale's austere colours to vivid effect. Exhibiting the artist's inclination toward restraint, the Virgin was quieter and less mournful, and the execution was meticulous.

Bolognese/Roman exponents of the classical style valued the imitation of 'perfect' representations of subjects and, as Annibale was the leader of the school, his works were especially esteemed. Annibale's design for the *Pietà* was considered one of his greatest by the theorist Giovanni Battista Agucchi, and Domenichino clearly concurred in this view. This painting was the first example of Domenichino's particular reverence toward and adherence to Carracci prototypes.

The expert adviser said it was of great significance because it was one of the earliest examples of the authority of 'perfection'. It might also be considered the prime version of the composition because it was produced far earlier than its larger counterpart and clearly with Annibale's blessing.

The applicant did not consider that the *Pietà* by Domenico Zampieri met the Waverley criteria. In her view the lack of information about the painting's early history, together with its broken provenance whilst in the possession of the Earls of Yarborough meant that it was difficult to regard this work as closely connected with either our history or our national life. In relation to its aesthetic importance, the applicant acknowledged its excellent state of preservation but considered it a reduced copy after the large altarpiece by Annibale Carracci, *Pietci with Saint Francis*. Although there were alterations, most notably the substitution of Saint Francis with the figure of Joseph of Arimathea, the picture could not be regarded as an original composition by the artist. Nor, in the applicant's view, was it of outstanding significance for study as it provided no additional information on the composition of Carracci's altarpiece.

We heard this case in October 2007 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 £3,044,000 (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 deferral period should be extended by a further four months.

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

Case 9

A PAINTING BY ROELANDT SAVERY, THE TEMPTATION OF SAINT ANTHONY, 1617

The painting, which is oil on panel and measures 49.1 x 94 cm, depicts a wild, mountain wilderness with Saint Anthony in the shadows of the foreground.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £1,750,000, which represented an agreed sale price.

The Senior Curator, Netherlandish, Dutch and Flemish Art, National Gallery Scotland, acting as expert adviser, had objected to the painting's export under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

Roelandt Savery (Kortrijk 1576-1639 Utrecht) was born into a Dutch family of artists who were of Flemish extraction. As Anabaptists, Savery and his brothers would have been forced to leave their native Flanders in around 1580 to avoid Spanish persecution. By around 1585, the family had settled in Haarlem. Savery was trained there by his brother Jacob Savery I (c.1565-1603). After the latter's death, Savery went to Prague, where he worked for Emperor Rudolf II. He remained in Central Europe until 1613, by which time he was serving as court landscape painter to Matthias, Rudolf's successor. Savery returned to the Netherlands, staying in Amsterdam until 1619, at which time he moved to Utrecht. Savery never married. He produced little work in his last years, and died poor and mentally confused in Utrecht.

Savery was prolific, producing over 500 drawings and paintings. After his return to the Netherlands, he concentrated on paintings, creating flower-pieces, animal subjects and landscapes with an Alpine flavour. They are characterised by close observation and great originality.

The Temptation of Saint Anthony was painted four years after Savery's return to the Netherlands, while he was in Amsterdam. The sweeping panorama seen from a high viewpoint is typical of the Flemish landscape tradition in which the artist was trained. So, too, is the colouration, which fades from green to blue on the far horizon. But Savery also integrated what he would have seen during his ten-year sojourn in Central Europe. The tall trees and rocky, Alpine landscape were based on Savery's detailed studies of the Austrian Tyrol. This wild, mountain wilderness features a dramatic waterfall and plunging views into the far distance. Into this sweeping landscape, Savery added woodland plants and animals in extraordinary detail.

The actual subject of the painting is tucked into the shadows in the foreground to one side of the picture. St. Anthony Abbot, a Christian saint and hermit, was born in Upper Egypt in 251 AD. According to historical accounts, he lived to the astonishing age of 104. He lived in solitude in the wilderness for many years, where he was plagued by vivid hallucinations. Here, St Anthony is shown being tormented by 'temptations' in the form of demons.

The subject was unique in Savery's known painted oeuvre. Its conception was, however, consistent with several paintings that Savery produced after his return to Amsterdam of St Jerome, and was also close to a large group representing The Flood and Orpheus and the animals. These were characterised by the relegation of the main subject to a minor part in a fantastic, sweeping landscape that includes highly detailed renderings of flora and fauna.

The expert adviser reported that the condition of the painting was outstanding. Painted on a relatively large oak panel, the surface had remained fresh and the colours clear and bright.

In conclusion the expert adviser stated that this painting was a superb example of Savery's work. That having been said, she did not consider this to be a clear-cut case; whilst Savery was a prolific artist

whose work was important, it was not perhaps at the summit of Netherlandish painting. Furthermore, his work was already relatively well represented in British public collections including the National Gallery in London, the Fitzwilliam Museum in Cambridge, the Ashmolean Museum in Oxford and the Cooper Art Gallery in Barnsley. However, this was the finest landscape painting by Savery in Britain and the only significant example of his Alpine scenes in the country. Accordingly, it could be considered an object of outstanding aesthetic importance.

The applicant did not agree that the painting met the Waverley criteria. The painting was unknown to scholars before 1984 when it came to light. Its known provenance was that it had been in a Spanish collection in the 17th century. In relation to the second Waverley criterion the applicant considered that Savery's most important and artistically acclaimed works were those he painted in Prague at the Court of Rudolf 11 where he was based from 1604 until 1613. On his return to Amsterdam, Savery continued to paint themes that he had developed in the Prague years, often with refinement, but these works lack the aesthetic quality in terms of groundbreaking use of colour, structure or form, of those earlier works produced at the Rudolfine Court. As the applicant did not consider the painting to be outstanding in the context of the artist's work it followed that it did not have significance for the study of a particular branch of art, learning or history.

We heard this case in October 2007 when the painting was shown to us. We found that Savery's *Temptation of Saint Anthony* did not satisfy any of the Waverley criteria and recommended that an export licence be issued. An export licence was issued.

Case 10

A 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, which measures 66 x 99.1 cm, is watercolour with some scratching out on paper and is signed with the initials 'JMWT' in the bottom right. It shows the mountains encircling the village of Fluelen, 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 Jersey. The value shown on the export licence application was £2,000,282.50, which represented a private sale price.

The Curator of British Art at Tate Britain, 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.

This item had previously been before the Committee in May 2006 and had been found to meet the second Waverley criterion. On that occasion, the application had been withdrawn before the end of the first deferral period. A report of the case hearing was included in our Annual Report for 2006-07.

The expert adviser remained of the opinion that this painting was Turner's finest watercolour painting.

As previously reported the expert adviser considered that J M W Turner was Britain's most pre-eminent watercolour artist and *Lake of Lucerne, from the Landing Place at Fluelen* 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. Of these 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, and at the same time offered 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 Art 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’.

The expert adviser considered that the four watercolours exhibited in 1815 were conceived as a group, and said it has been convincingly argued 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 whilst 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 caught the eye and approval of many commentators. Later Ruskin 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 confirmed that, despite some slight fading, *Lake of Lucerne* had been preserved in exceptionally good condition.

The applicant did not agree that the painting met the Waverley criteria. In their opinion the painting was not connected with our history or national life as it was one of Turner’s many views of Lake Lucerne in Switzerland. Whilst the applicant did not dispute that this was an outstanding picture, they did not consider the painting to be of outstanding aesthetic importance in the context of Turner’s work. Furthermore they pointed out that there were many other paintings by Turner of the same scale and impact already in Britain’s museums. Finally, they did not agree that the painting was of outstanding significance for study as the subject of this work was already widely represented (they reported that eight of the 20 paintings of or from Lake Lucerne were in museums in the UK). In addition, of the 53 drawings of Swiss subjects, made during Turner’s Swiss tour of 1802, and subsequently to 1832, the applicant reported that 20 were already in museums in Britain.

We heard this case in October 2007 when the painting was shown to us. We found that it met the second Waverley criterion. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,960,400 excluding VAT (£2,000,282.50 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 four months.

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

Case 11**A PORTRAIT OF GENERAL WOLFE
BY J S C SCHAAK**

The small but full-length portrait measures 35 x 30 cm. It was painted in oil on canvas by J S C Schaak c.1760.

General Wolfe is depicted in an attitude of command standing on the shore of the St Lawrence River as his troops scale the Heights of Abraham beyond. He is shown with unpowdered hair, wearing a tricorne hat with cockade and a plain red coat with a black armband indicating mourning for his father.

The applicant had applied to export the portrait to the USA. The value shown on the export licence application was £308,750, which represented the hammer price at auction plus the buyer's premium and VAT on the buyer's premium.

The 18th-Century Curator, National Portrait Gallery, acting as expert adviser, had objected to the portrait'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 material culture relating to the development of the eighteenth-century cult of the hero.

In the expert adviser's view the portrait under consideration was the most important portrait of General Wolfe. He was the victor of the Battle of Quebec and hero of the Seven Years War. His conquest of the city heralded the birth of the British empire and his death at the moment of victory earned him a reputation as a patriotic martyr that was unmatched by any British hero until Nelson.

Based on a drawing attributed to Harvey Smyth, Wolfe's aide-de-camp, and owned by Lt Col Henry Fletcher, who commanded the 35th Regiment at Quebec, this portrait is closely connected to the sitter and shows him at the moment of his most important contribution to British history.

Little is known about the identity of the artist J S C Schaak (fl.1760-70). He is listed as a portrait painter in Westminster in 1763 and is recorded as exhibiting at the Free Society of Artists and the Society of Artists of Great Britain. Of the sixteen signed works that have survived, all are portraits and date from 1762-70. Three show military figures – the 1766 *James Wolfe* and two equestrian portraits of unknown sitters. Two of his signed works are in public collections: *Charles Churchill*, c.1763-4, National Portrait Gallery, London (NPG 162) and *Matthew Boulton*, 1770, Birmingham Museum and Art Gallery, Soho House, Handsworth. To these may be added the bust-length portrait of Wolfe attributed to Schaak in the National Portrait Gallery, London (NPG 48).

Although the portrait is not signed or dated there is evidence to suggest that it was the first portrait of Wolfe to be publicly exhibited. In 1762, Schaak exhibited a 'small whole length of General Wolfe' at the Free Society of Artists, London.

The importance of Schaak's portrait is found in its close links to the subject and the moment depicted and the large number of engravings that derive from it. The news of Wolfe's death prompted the hasty printing of entirely fictitious portraits of the hero. The appearance of the Schaak type of portrait, published in the *Grand Magazine of Universal Intelligence* in 1760, was promoted as a remedy to the false portraits then in circulation.

The picture has a good provenance, remaining in the Fletcher family until 1966, after which point it was loaned to the National Trust and displayed at Quebec House, Wolfe's childhood home, between 1976 and 2006.

The applicant did not agree that the portrait met the Waverley criteria. He stated that there were numerous portraits of Wolfe and the best of these were already on display in public collections in Britain and Canada. He considered J S C Schaak an artist of relatively little merit who never portrayed Wolfe from life.

He believed the painting under consideration was one of probably three versions of the same picture.

We heard this case in October 2007 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 £300,000 (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 portrait, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the portrait by the National Army Museum. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the portrait had been purchased by the National Army Museum with assistance from The National Heritage Memorial Fund, the Garfield Weston Foundation, The Art Fund and the Society of Friends of the National Army Museum.

Case 12

A COPY OF THE WARRANT FOR THE EXECUTION OF MARY QUEEN OF SCOTS

The warrant is a two-page folio paper document, dated 1 February 1586/7, containing the text of the warrant for the execution of Mary Queen of Scots, annotated by Robert Beale, principal clerk to the Privy Council of Elizabeth I, and retained by Henry Grey, 6th Earl of Kent, one of the principal commissioners for the trial and execution.

The applicant had applied to export the document to the USA. The value shown on the export licence application was £78,525, which represented a conversion from a private treaty sale of \$145,000, plus a handling charge. The value was changed to £72,485.50 to reflect the exchange rate on the day of the sale.

The Head of Modern Historical Manuscripts at the British Library, acting as expert adviser, had objected to the document'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 execution of Mary Queen of Scots.

The expert adviser stated that the document was an integral part of a small archive concerning the execution of Mary Queen of Scots. The archive derived originally from the papers of the Earl of Kent and had subsequently become part of the collection of the celebrated antiquary and jurist John Selden (1584-1654) and had descended in the family of his executor, Matthew Hale, until the 1930s. The copy of the warrant was very probably an enclosure in the Privy Council letter to the Earl of Kent, ordering the enactment of the execution, which had also been part of the small archive that had been sold as a separate lot in the same sale as the warrant.

The expert adviser said that Mary Queen of Scots, with her claims to the crowns of Scotland and England, her beauty and charisma, disastrous marriages and love affairs, and years of imprisonment at Fotheringay with the plotting which surrounded them, had long been a heroine of popular history as well as a subject of major academic study. Her execution, ordered after great agonising by her much more politically adept cousin, Elizabeth I of England, was one of the best known and most dramatic events in British history, frequently depicted in historical narrative, fiction and art. The circumstances and documentation surrounding the issue of the execution warrant had been the subject

of close study in their own right. The expert adviser thought that by close study of the document's archival context and textual features it could be shown to be the primary surviving text of the warrant and to have played a real-life part in the drama of the execution.

The warrant was addressed as letters patent from Elizabeth I to the five commissioners, the Earls of Shrewsbury, Kent, Derby, Cumberland and Pembroke, who sentenced Mary. Reflecting the momentousness of the execution, Elizabeth's prolonged hesitation about it and the particular need for public justification, it set out in dramatic and emotional terms how the Parliament advised the Queen to carry out the execution and finally how the Queen gave way 'contrarie to our own naturall disposition' and 'condescended to suffer justice to take place'. It authorises the commissioners 'to repair to our Castell of Fotheringhaye, where the said queene of Scottes is in Custodie' and 'cause by your commaundement execution to be don vppon her person'.

No original of the warrant had survived. It was likely that it was deliberately destroyed in the aftermath of the execution, when the Queen reacted violently against all those involved. In its absence the copies of Robert Beale were the primary evidence of the outstanding historical text. The present document was in a professional secretary hand, with marks and annotations in black ink in Beale's distinctive hand.

As Clerk to the Council and 'a person of great trust and experience', Beale was the bearer of the Privy Council letter to the Earl of Kent, ordering the execution to proceed. The copy of the warrant before the Committee, which was preserved with the letter until their separate sale, was best accounted for as that provided by Beale and the Privy Council for Kent's retention, with the former's underlinings emphasising that the commissioners must now get on with the task. The connection was noted in the sale catalogue entry when the documents were sold together in 1946. Beale, along with the commissioners, then went on to Fotheringay, where the warrant was read aloud.

The expert adviser observed that, as one would expect with such a significant state document, there were other copies. Beale's own retained copy was preserved as part of a large compilation of his papers relating to Mary Queen of Scots. There were at least four other transcripts in contemporary or seventeenth-century compilations of state documents, but none with a close connection with the event itself. The present copy was the one with clearest evidence of having played a real life part in the drama.

The applicant argued that the manuscript did not meet the Waverley criteria. He said there were a number of extant contemporary scribal copies of the warrant, including three in the British Library, one of which was Robert Beale's own retained copy. Sotheby's also referred to a copy or copies in the National Archives.

Of the copies, Beale's retained copy (as distinct from the present document which was retained by the Earl of Kent) was probably the most important. Beale, clerk of the Council, was sent post-haste to show the warrant to the Earls of Shrewsbury and Kent and to give them their letters of appointment. It was Beale who read out the warrant at the execution. His copy of the warrant was bound in a highly important, quasi-official volume of letters and papers that he assembled concerning the conspiracies and plots involving Mary Queen of Scots, her trial, and her execution. It was this volume that contained the famous ink and pencil drawings, often reproduced, of the trial and the execution of Mary.

The applicant said the provenance of the present copy (6th Earl of Kent) was also interesting although there was some evidence that the text was not particularly good. When it had passed through Beale's hands he had added a 'facsimile' of Elizabeth's signature at the top, three cryptic marginal marks, and a docket. Someone had underlined references to 'you' and 'your' throughout. Details of the 'manner and forme' in which the execution was to be carried out were also underlined.

Collating the present copy with Harl. MS. 290 as printed in the *Calendar of State Papers, Scotland* revealed a number of verbal variants that did not really change the sense, but also:

This copy omitted 'Defender of the Faith' from the Queen's title, which was a very odd omission given that the purpose of the warrant was the execution of the Catholic Mary.

There was another careless omission: '... by these presents we doe will comaunde and authorise our Chancellelor of England at the requeste of you all and of everie of you [*"to cause" omitted*] the duplicat of these our letters patentes to be to all purposes duellie made dated and sealed with out greate Seale of Englande as these presents are'. Omission of 'to cause' destroyed the sense.

The applicant said it appeared that the scribe had not had his mind wholly on the task. He submitted that adding yet another copy of the execution warrant to the national collections was not a matter of such outstanding significance as to meet the Waverley criteria.

We heard this case in October 2007 when the manuscript was shown to us. We found that it met the first 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 £72,485.50. 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 warrant, 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 manuscript by Lambeth Palace Library. We were subsequently informed that the manuscript had

been purchased by Lambeth Palace Library with assistance from the Trustees of Lambeth Palace Library, the Friends of Lambeth Palace Library, the Friends of the National Libraries, the MLA/V&A Purchase Grant Fund and the National Heritage Memorial Fund.

Case 13 **A LEDGER KEPT BY A 17TH-CENTURY LEAD MERCHANT IN THE PEAK DISTRICT**

This large paper volume of narrow folio format records, in debit and credit ledger form, transactions by an unnamed merchant concerning the lead trade in the Peak District of Derbyshire, extending into Staffordshire and South Yorkshire, over a period of more than thirty years, 1668-1700. The content covers approximately 400 closely written pages, contained within the original vellum binding with brass clasps.

The applicant had applied to export the ledger to the USA. The value shown on the export licence application was £3,770, which represented a hammer price of £2,900, plus buyer's premium of £580 and dealer's commission of £290.

The Head of Modern Historical Manuscripts at the British Library, acting as expert adviser, had objected to the ledger's export under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the Peak District's history.

The expert adviser said the ledger was previously unknown and unstudied and there were no published references on record. She stated that it was the earliest surviving extensive record of the lead trade of the Peak District at a period when it was central to the economy of that region. It had a considerable importance in a national context as well, since it related to a period when over half the nationwide production of lead (a material of key importance, used for a range of products from domestic utensils to lead shot), came from that region.

Apart from brief references to William Cavendish's trade in the 1590s in private ownership at Chatsworth, this volume comprised the earliest known and certainly most extensive surviving record of the Derbyshire lead trade. With its prolific details of moneys paid or lent, quantities and prices of pigs or 'fodders' of lead purchased and the merchant-marks put on them, and the individuals and places involved, it provided much unique information about the organisation and conduct of the lead trade in the second half of the seventeenth century. The exceptional range of this volume was apparent from the closest comparable material to be identified: a much more limited 28 page set of accounts in the regional record office, kept by Lawrence Oxley, lead merchant of Chesterfield, between 1672 and 1681, in which the detailed accounts ended in 1678. The ledger would both complement Oxley's accounts (Oxley was one of the local names mentioned in it) and provide much more detailed material for research. Oxley, for example, recorded shipments of lead to London, but unlike the ledger, provided neither purchase nor transport costs. The ledger's dense day to day detail had much to reveal of the complex family-based and wider networks and ways of transacting business. As more records had hitherto been known to survive for lead mining than for its trade, this volume was of particular importance in helping to build up a more complete picture of the whole process.

The accounts were important for the period they covered, as well as for their extent and detail. They illustrated a key period of change in the industry. After the Civil War and the Restoration the rapid expansion of the lead industry was closely associated with social and political as well as economic developments in the region. A significant number of local landowning families had made their fortunes in the lead trade and this changed the pattern of older power structures in the county. However, by the 1660s many major landowners had withdrawn from the trade, retaining only investments in mines and mineral duties, and commerce was undertaken by a new generation of entrepreneurs and self-made men, of whom the compiler of these accounts appeared to have been an important example.

The context in which the potential of this volume for detailed study could be best realised was local and regional. The merchant (whom close study of the accounts and related records might serve to identify) had accounts with a large number of named suppliers, customers and founders. Many of these were clearly from local families known to have been involved in the lead trade (Hutchinson, Wigley, Fearn, Oxley, Spateman, Bagshaw, etc.). The most closely related records were all held regionally, from the parish registers and estate papers which would help to identify the many individuals mentioned more closely, and records of individual mines (for example those relating to Raventor lead mine in Wirksworth, c.1664 to c.1670 in the local record office), to the archives of important gentry families engaged in lead production, such as the Cavendishes of Chatsworth and the Gells of Hopton.

Lead production over the centuries had done much to determine the character of the Peak District landscape, which was full of survivals of the various workings. There was strong local interest in these and an established context for investigation, in which archaeological methods were used in combination with the written record.

The applicant said this was a ledger dated 1667/8 to 1700 of a merchant purchasing lead from about 20 named persons, presumably mine owners, in various towns and villages in Derbyshire (a few place names in Staffordshire or the West Riding). Each of the sellers had his own section in the ledger, sometimes more than one section when space ran out. Payment was mainly by cash, occasionally by services such as assaying or other means. There were also some miscellaneous transactions (loans, a purchase of cattle, etc) but the fundamental business was lead. The accounts were 'cleared' (balanced) at regular intervals. The ledger did not identify the merchant. There had once been some writing on the front cover, but this was partly torn away and wholly illegible. There was also no evidence of where or how the merchant sold all the lead that he purchased. The applicant suggested he must have

kept a corresponding ledger of sales. He submitted that the ledger, while an interesting relic of the lead trade, was not of sufficient importance to meet the Waverley criteria.

We heard this case in October 2007 when the ledger 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 £3,770. 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 ledger, 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 ledger by Derbyshire Record Office. We were subsequently informed that the ledger had been purchased by Derbyshire Record Office with assistance from the Friends of the National Libraries and the MLA PRISM Grant Fund.

Case 14

AN EARLY ENGLISH BRASS ASTROLABE QUADRANT

The astrolabe quadrant is made of brass and has a radius of 7 cm. It was made in the fourteenth century. It was found in July 2005, associated with other medieval material, on the site of an earlier inn just outside Canterbury Westgate on the road to London. It was previously unknown.

Both sides of the small, flat, brass quadrant are engraved. One has a shadow square (for measuring heights on the earth), unequal hour lines (for telling the time in the medieval unequal hour system), lines for the trigonometrical functions sine and cosine, a 'folded' zodiacal scale with the names of the signs, a single 'folded' horizon line (for 52 degrees north, for

use in England), and on the limb scales for the degrees of the signs, altitude and right ascension. On the verso are concentric calendar scales for the lunar cycle and the corresponding date of the Easter Moon, related by an eagle-shaped moveable index. The eagle feature is unique. Considering the item's age and the circumstances of its discovery, it is in very good condition.

The applicant had applied to export the astrolabe quadrant to Switzerland. The value shown on the export licence application was £350,000, which represented the sale price the owner had agreed with their buyer.

The Director of the Museum of the History of Science, University of Oxford, acting as expert adviser, had objected to the astrolabe quadrant'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 history of science.

The expert adviser considered that the small size (it is the smallest known example) together with the fact that it was found in a dated context, are of great importance: the instrument was clearly meant to be portable and yet its use requires a significant amount of mathematical and astronomical knowledge. Only seven other examples of this general type of instrument are known in the world: four are in museums in France, Germany and the USA; only one is known to be English, the one belonging to Merton College, Oxford, and it is unlike the current example in a variety of ways. The relationship between this one and the Merton College one, its provenance, the position of its horizon line which would only work in southern England and its non-specialist manufacture all point to it being made in England.

The history of scientific instrument-making and use in Britain is fairly well researched and recorded from the beginnings of a commercial trade in the 16th century. Much less is known about medieval instruments, though a small number (astrolabes, quadrants and sundials) have survived. Where they have early provenance, it tends to be associated with sites of learning, such as Oxford and Cambridge colleges. In this case it is significant that we have every indication of an instrument lost by a traveller and it has great potential for extending our knowledge of medieval mathematical literacy and the currency of portable instruments. The extreme rarity of the instrument, combined with its unusual and secure provenance give the quadrant its outstanding significance.

One other astrolabe quadrant is known to be English, the much larger example at Merton College, which has important technical differences, such as to make the item under consideration unique (for example, the use of a single horizon line and the eagle index). It is unique also in the story it can tell outside university learning, a story linked to the history of Canterbury and the society as well as the writings of Chaucer.

The applicant argued that the astrolabe under consideration is similar to the Oxford example. The applicant also expressed the view that the new owner would be prepared to make the instrument available for academic study in this country for an agreed period.

We heard this case in November 2007 when the astrolabe quadrant was shown to us. We found that it met the third Waverley criterion on the grounds that it was of outstanding significance for the study of the history of science and scientific instruments outside the academic context in the medieval period.

We also 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 £350,000 (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 astrolabe quadrant, 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 astrolabe quadrant by the British Museum. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the astrolabe quadrant had been purchased by the British Museum with assistance from The National Heritage Memorial Fund, The Art Fund and The British Museum Friends.

Case 15 **THE DERING ROLL**

The decorated manuscript roll of arms on vellum was made in England, probably Dover, in the last quarter of the 13th century. It is made from four membranes and overall measures 264.5 cm long and c.21 cm wide. Fifty-four rows of armorial shields are depicted, six shields per line with accompanying names in an accomplished English cursive documentary script. The manuscript contains the coats of arms of approximately one-quarter of the English baronage of the reign of King Edward I. There are some 16th-century additions of marginal numbers and some 19th-century writing on the reverse. There is also some fading, wear and flaking to be expected from a roll and a few very small losses from the outer edge of the membranes. However, overall the condition is good with a small amount of modern repair.

The applicant had applied to export the manuscript to the United States. The value shown on the export licence application was £192,500, which represented the hammer price at auction plus buyer's premium.

The Curator of Medieval Manuscripts at the Bodleian Library, acting as expert adviser, had objected to the Dering Roll'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 early English heraldry.

The expert adviser considered the Dering Roll to be a key document of medieval English knighthood as well as providing insight into the interests and methods of one of the earliest English antiquarians. As a statement of the knights who owed feudal service to the constable of Dover Castle, it carried outstanding local as well as national significance.

From its contents the manuscript could clearly be shown to be associated with Dover Castle, and was probably commissioned by its constable, Stephen of Penchester. Since Sir Edward Dering served as lieutenant of the same castle, it is entirely likely that the roll was still in the same place when he acquired it in the 17th century. It was unclear how it could then have been in the possession of intermediate owners, Hugh Fitzwilliam of Sprotborough and 'Mr. Knevet'. With further study the ownership inscriptions on the reverse of the roll could help fill in the missing stages in the provenance of the manuscript.

The Dering Roll belonged to the period when heraldry was coming to be regulated by well defined rules: the earliest surviving treatise on the subject, the anonymous 'De Heraudie' (written in Anglo-Norman French), probably dated from the same period. Heraldic displays, whether on rolls of arms or carved in stone (as in the nave of Westminster Abbey), were visual demonstrations of the relationships underpinning political communities.

The composition of the roll, if not its execution, must have been the work of a specialist herald. In wartime heralds had important functions in the field and (because of their immunity from hostile action) in diplomacy. They were also the new experts in matters of armoury and secular ceremony. By the late

13th-century heralds had assumed an established and professional position, being regularly paid and wearing the coats of arms of their masters. Their command of genealogy and blazon was matched by their concern for the literature and mythology of chivalry.

The heralds produced several distinct kinds of document: general rolls, the largest group; occasional rolls, giving the names and arms of those present on a particular occasion, usually a siege or tournament; local rolls; and ordinaries, in which the shields are grouped by their designs for the purposes of identification. The Dering Roll is the earliest local roll. Its relation to Dover Castle has been established. There were nine custodies at Dover, each of which maintained a house in the castle. Castle-guard, which could be done in person, by a deputy, or by the payment of a fixed sum, was due from the fees that made up the nine custodies. The use of stipendiary knights from the continent may explain the presence in the last six rows of the roll of shields from northern France and the Low Countries.

At the time the Dering Roll was made, the decision to present its information in a roll and not a book was perhaps not automatic. Were coats of arms produced in roll form by analogy with genealogical rolls or because they were intended for public display? The physical form of the Dering Roll is not the least of the clues it can give to its original function.

The applicant presented the case that the Dering Roll was associated with English history and was significant because it was apparently the oldest English roll of arms surviving as an original roll, but that it was of collector's interest as a relic rather than as a resource for study. In his view the roll was not unique in the information it conveyed. The armorial shields shown on the roll had been widely represented in medieval life and survive today in a variety of media: seals, wall paintings, buildings, clothing, furniture, domestic plate and tiled floors. Good quality photographs and the later copies of the roll could provide all the information a researcher would require.

We heard this case in February 2008 when the manuscript was shown to us. 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 £192,500 (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 Dering Roll, 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 Dering Roll by the British Library. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the Dering Roll had been purchased by the British Library with assistance from the National Heritage Memorial Fund, The Art Fund, the Friends of the British Library, the Friends of the National Libraries, and numerous donations from individual supporters.

Case 16

A PAINTING BY REMBRANDT VAN RIJN, *PORTRAIT OF A MAN LAUGHING*

In March 2008 we considered an application to export a painting by Rembrandt van Rijn, *Portrait of a Man Laughing*. We concluded that the painting satisfied the second and third Waverley criteria. The application for an export licence was subsequently withdrawn. Consequently, no decision on the application was made by the Secretary of State.

Case 17

A ROMAN BAROQUE CABINET ON STAND BY GIACOMO HERMAN

The ebony veneered cabinet measures 284 cm high (max), 172 cm wide (max) and 72.5 cm deep (max). It has applied mounts of jasper, lapis lazuli and gilt bronze. The drawers are applied with gouache miniatures depicting the basilicas and monuments of Rome. The lower central drawer contains a virginal by *Giovanni Battista Maberiani* dated 1676 and the whole is surmounted by a nocturnal clock signed by *Giovanni Wenderlino Hessler* of Rome below an equestrian figure. The cabinet rests on an early 18th-century carved giltwood console table or stand with a veneered marble top.

The applicant had applied to export the ensemble to Italy. The value shown on the export licence application was £1,108,037.50, which represented the hammer price at auction plus the buyer's premium and VAT on the buyer's premium.

The Curator of Collections, Temple Newsam House, acting as expert adviser, had objected to the cabinet and stand'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 furniture.

The expert adviser explained that the cabinet appeared to be one of four described as being taken from the workshops of Giacomo Herman to Palazzo del Quirinale to be inspected by the *cardinal nipote* Giacomo Rospigliosi (and possibly also his uncle Pope Clement IX) on 20 November 1669. The other three 'twins' survived: two in the Danish Royal Collection, bought in 1767; a third (lacking its stand and somewhat altered) traditionally said to have been given by Pope Innocent XI to Jan Sobieski in 1683 and today installed as an altarpiece in the church of the Capuchins in Cracow. All four cabinets were the same size, had the same configuration and all contained a virginal in the lower drawer.

The purpose behind Herman's visit to the Cardinal with his cabinets was not known. It had been suggested that either the Cardinal or the Pope intended to buy them, either for their own use, or more likely as future diplomatic presents for crowned heads. From the date of the virginals (1676) it would seem the cabinets were still unfinished in 1669.

At some date in the early 18th century three of the cabinets were 'modernised' and given their present elaborately carved and gilded stands. Again these were all virtually identical. Almost certainly these replaced earlier stands which would probably have been ebony. Some years later, two were sold to the Danish Royal Collection, but the fate of this remaining cabinet was not known until its re-appearance in the North East of England in the 1950s.

The story of how the cabinet and stand came to England and later became separated was not fully resolved. The upper part, the cabinet, was first recorded in the 1950s in the possession of a Mrs Baston of Sunderland, whose heirs or executors sold it at Phillips on 19 September 1972. It was acquired by a Mr and Mrs Gordon who eventually sold it, re-united with the stand, at Sotheby's on 4 December 2007. Nothing more has been established about Mrs Baston or where or how she might have acquired the cabinet.

The lower section, the stand, was probably given to the Assembly Rooms in York by Dr John Bowes Morrell, a well known local benefactor and conservationist, around 1951 when this historic building was redecorated and refurbished. It remained there until it was recognised and reunited with the top section for the sale in December 2007. By this date the Assembly Rooms had passed into the ownership of the Yorkshire Conservation Trust.

There was a strong possibility that the stand was sold at a country house sale in Yorkshire or the North East at a date before c.1950. Large numbers of these sales took place from the 1920s onwards (and earlier), often with cursorily written and unillustrated catalogues,

at which enormous quantities of works of art, especially large scale Continental furniture, flooded the market and achieved very low prices. Research was still ongoing to establish if the cabinet was sold in this way, and could thus be linked to a definite family collection.

The cabinet (or 'studiolo') had been conceived in the tradition of magnificent Italian semi-architectural furniture whose chief purpose was to impress with its grandeur and to delight with the quality of its detail and workmanship. If it had any practical function at all it was to accommodate small precious objects often of a personal nature, which might be handled only by the owners themselves (hence their name 'studioli'). Such pieces were born in the palaces of Renaissance Italy. Foreign artists and craftsmen living in Italy (as in this example) were often responsible for their construction and decoration.

English baroque furniture had been greatly invigorated by the influence of the neo-Palladian architect William Kent (1685-1748) who had studied in Rome in the second decade of the 18th century. Not content with merely designing buildings for his influential patrons, Kent was the first significant English architect who also designed furniture. He intended his interiors to have the same integrated 'gravitas' as the palaces and villas he had admired in Italy. At this date Roman 'parade' furniture (especially console tables, mirrors, candlestands etc) was characterised by its massive sculptural qualities. The stand for this cabinet was firmly within this tradition, and could have been executed at any date between c.1670 and c.1730.

In the context of 'parade' furniture, Italian (or Italian-inspired) cabinets replaced lacquer-fronted cabinets as major status symbols in England by the second quarter of the 18th century. They were greatly admired *in situ* in Italy by the English Grand Tourists and the leaders of the Palladian movement.

From the early 19th-century onwards, with the continued dispersal of indigenous collections, 17th and 18th century Italian and French furniture became even more accessible to wealthy English buyers through the network of dealers in the developing antiques trade in London and the provinces. Such furniture now fitted well into the increasingly opulent picture galleries, drawing rooms and salons (often incorporating expanded collections of paintings of the same period), as well as antiquarian libraries.

The makers of these superb objects were only infrequently recorded, still less the circumstances of their commission. The authorship of this example was confidently attributed to the most esteemed cabinet maker in mid 17th-century Rome, Giacomo Herman by comparison with his only signed example in the Kunsthistorisches Museum, Vienna, probably a gift of Cardinal von Hesse to the Emperor Leopold I, and dated 1668. The signatures of the clock maker, the virginal maker and a hitherto unrecorded craftsman (Johannes Meisser) added to the importance of the object as a benchmark for future attributions.

The expert said the cabinet and stand had both been executed to the highest possible standards, as befitted its probable destination as a gift from the Pope to a crowned head. Its sense of movement, combination of colours, and display of virtuoso craftsmanship marked it out as a truly exceptional work of art.

The applicant did not contest that the Waverley criteria applied.

We heard this case in March 2008 when the cabinet and stand was shown to us. We found that it met the second and third Waverley criteria. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,108,037.50 (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 cabinet and stand 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 cabinet by the V&A. At the end of the first deferral period the owner was asked if he/she was willing to accept a matching offer at the recommended price. The owner was not willing to confirm this. An export licence was subsequently refused.

Case 18

A PAINTING BY JOHN THOMAS SETON, PORTRAIT OF ALEXANDER DALRYMPLE

The painting is oil on canvas and measures 91.4 x 71.1 cm. It represents Alexander Dalrymple at age 28, full-length and seated, in East India Company sea-officer's uniform, with globe, map, chart and dividers on the table beside him, and uniform sword leaning against the background chimney-breast.

The applicant had applied to export the painting to Australia. The value shown on the export licence application was £137,500, which represented the sale price in November 1988 including dealer's commission and a current agreed sale price.

The contributor of the entry 'Alexander Dalrymple' to the *Oxford Dictionary of National Biography*, acting as expert adviser, had objected to the painting's export under the first Waverley criterion on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune.

The expert adviser considered that the outstanding significance of the portrait was the identity of the subject, and his influential role in Britain's maritime history. Dalrymple began surveying in the China Sea and the Philippines in command of an East India Company ship from 1759 onwards. As well as being retained by the East India Company from the 1770s to 'examine the ships' journals' and to 'compile charts

and sailing directions for publication for use by East India Company voyages to India and China', a position he held for almost thirty years, Dalrymple was appointed, in 1795, the first Hydrographer to the Admiralty. In this role he was charged with turning an archive of manuscript sea surveys into a body of charts for safe navigation during the Napoleonic wars.

As a confidant of Sir Joseph Banks, and an adviser to government officials such as Philip Stephens, Evan Nepean and William Marsden, he provided plans and topographical information for Vancouver's voyage and recommended to the Colonial Office routes to the Pacific to supply Nootka Sound after the Spanish controversy in 1790. His achievements also included furnishing sailing directions for missions to China which culminated in Macartney's embassy, advising Banks on the Privy Council examination of Meares after the Nootka Sound affair and supplying charts for Blankett's naval squadron to the Red Sea to combat the threat of Napoleon's eastward advance from Egypt.

From Dalrymple's establishment in Whitehall in 1800 of a chart compilation and printing workshop there grew in the nineteenth century, under Sir Francis Beaufort and his successors as Hydrographer, the entire operation of the present-day UK Hydrographic Office, internationally respected as provider of charts and navigational information for mariners. The UK Hydrographic Office main administrative building in Taunton is named after Dalrymple, and Dalrymple's own manuscript charts of islands in the East Indies form part of the British hydrographic archive, now being deposited in The National Archives at Kew. Dalrymple brought into the Admiralty Hydrographic Office many of the charts he created and engraved for the East India Company, and they continued to be issued until the late 19th century, the last being withdrawn only in 1959.

No other original likenesses of Dalrymple are known in the United Kingdom. A small pencil profile by George Dance in 1794, of Dalrymple in later life is to be found

in the National Library of Australia collections in Canberra. Until the emergence of the Seton portrait, impressions from an engraved plate copied from the Dance profile, and degraded prints derived from a lost small half-length sketch by John Brown, were the only images known of this remarkable 18th-century public servant. The expert adviser therefore considered this portrait of Dalrymple in early life, with its unusual grouping of 'tools' of hydrography to be the most significant and substantial portrait of the originator of the Admiralty Chart, by which Britain has become known and respected by the seafaring nations of the world for over 200 years.

The applicant agreed that the painting, being the only known painting of Alexander Dalrymple, first Hydrographer to the East India Company and the Admiralty, was of national importance under the first Waverley criterion.

We heard this case in April 2008 when the painting was shown to us. We found that it met the first 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 £137,500 (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 portrait, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by National Museums Scotland. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the painting had been purchased by National Museums Scotland with assistance from The Art Fund and the National Museums Scotland Charitable Trust.



department for
**culture, media
and sport**

EXPORT of OBJECTS of CULTURAL INTEREST 2007-08

Appendices

Appendix A

History of export controls in the UK

The reasons for controlling the export of what are now known as cultural goods were first recognised in the UK at the end of the 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 that the National Art Collections Fund was established in 1903, to help UK national and provincial public collections to acquire objects that they could not afford by themselves.

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

It was in 1950 that the then Labour Chancellor of the Exchequer, Sir Stafford Cripps, established a committee under the Chairmanship of the First Viscount Waverley 'to consider and advise on the policy to be adopted by His Majesty's Government in controlling the export of works of art, books, manuscripts, armour and antiques and to recommend what arrangements should be made for the practical operation of policy'. The Committee reported in 1952 to RA Butler, 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 Sevres Dinner Service presented to the Duke of Wellington (1979); furniture – a lady's secretaire by Thomas Chippendale (1998); silver – a Charles II two-handled silver porringer and cover, c.1660, attributed to the workshop of Christian

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

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

Appendix B

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

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

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

Appendix C

Membership of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest during 2007-08

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 2011

PROFESSOR DAVID EKSERDJIAN

Professor of the History of Art and Film, University of Leicester. He is an expert on Italian renaissance paintings and drawings and the author of *Correggio* (1997) and *Parmigianino* (2006). Formerly a Fellow of Balliol College Oxford (1983-86) and Corpus Christi College, Oxford (1987-91), he worked in the Old Master Paintings and Master Drawings departments at Christie's in London from 1991-1997 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 on 12 November 2010

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 and currently Chairman of the Trustees of Sir John Soane's Museum, and a member of the Advisory Council of the Art Fund.

Appointed 10 April 2007: appointment expires on 9 April 2011

DR CATHERINE JOHNS

Former curator of the Romano-British collections at the British Museum. She trained in prehistoric and Roman Archaeology, and has published and lectured extensively, especially on Roman provincial art, jewellery and silver. Her publications include *Sex or Symbol; erotic images of Greece and Rome* (1982), *The jewellery of Roman Britain* (1996), *Horses; History, Myth, Art* (2006), *Dogs; History, Myth, Art* (2008), museum catalogues of Roman treasure finds, and more than 100 articles in scholarly journals. She has served on the committees of the Society of Antiquaries, the Roman Society, and the British Archaeological Association, and is a former Chair of the Society of Jewellery Historians.

Appointed 19 February 2003: appointment expires 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 on 13 March 2009

PROFESSOR PAMELA ROBERTSON

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

Appointed 2 December 2003: appointment expires on 20 November 2011

JOHNNY VAN HAEFTEN

Chairman and Managing Director of Johnny Van Haeften Ltd, the gallery specialising in 17th-century Dutch and Flemish Old Master pictures, which he has run for 30 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 2 June 2011

DR CHRISTOPHER WRIGHT

Dr Christopher Wright joined the Department of Manuscripts, British Library, in 1974 and was Head of Manuscripts from 2003 until his retirement in October 2005. He is a Fellow of the Society of Antiquaries (2002) and a Fellow of the Royal Historical Society (1982). His publications include *George III* (2005) and, as editor, *Sir Robert Cotton as Collector: Essays on an Early Stuart Courtier* (1997). From 1989 to 1999, he was editor of the *British Library Journal*. He served as a Trustee of the Sir Winston Churchill Archives Trust, Cambridge (2001 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

List of independent assessors who attended meetings during 2007-08

Brian Allen , Director of Studies, Paul Mellon Centre for Studies in British Art	Case 10
Gordon Balderston , Specialist in European sculpture	Case 5
Charles Beddington , Charles Beddington Ltd	Case 8
Peter Blackwood Brown , Curator, Fairfax House	Case 2
Beverly Louise Brown , Specialist in Italian Renaissance and Baroque Art	Case 8
Christopher Claxton Stevens , Norman Adams Ltd	Case 2
Philip Clayton-Gore , Archivist, UK Hydrographic Office	Case 18
Gloria Clifton , Head of Royal Observatory, Greenwich, National Maritime Museum	Case 14
Andrew Cormack , Royal Air Force Museum	Case 11
Bart Cornelis , Deputy Editor, The Burlington Magazine	Case 9
Pauline Croft , Professor of Early Modern History, Royal Holloway	Case 1
Peter Finer , Peter Finer Antique Arms and Armour	Case 3
Roger Gaskell , Roger Gaskell Rare Books	Case 13
Bendor Grosvenor , Director, Philip Mould Ltd	Case 18
John Guy , Teaching Fellow in History, Clare College, Cambridge	Case 12
Jonathan Harris , Independent Furniture Expert	Case 17
Colin Harrison , Assistant Keeper, Ashmolean Museum	Case 10
Robert Holden , Robert Holden Ltd	Case 11
Elizabeth Jamieson , Independent Furniture Expert	Case 2
Alastair Laing , Adviser on Pictures and Sculptures, The National Trust	Cases 5, 6 & 7
Lowell Libson , Lowell Libson Ltd	Case 10

Professor David Loades , Honorary Research Professor, University of Sheffield	Case 1
Duncan MacMillan , Independent Expert	Case 18
Jonathan Marsden , Deputy Surveyor of the Queen's Works of Art	Case 17
Gregory Martin , Independent Art Consultant and Scholar	Cases 9 & 16
Arthur Middleton , Specialist Consultant in the History of Science	Case 14
Keith Miller , Head of Weapons, National Army Museum	Case 3
Jennifer Montagu , Honorary Fellow, The Warburg Institute	Case 6
Anthony Mould , Anthony Mould Ltd	Case 7
Otto Naumann , Otto Naumann Ltd	Case 4
Anthony Payne , Bernard Quaritch Ltd	Case 1
Felix Pryor , Manuscript and Archive Consultant	Case 12
Christopher Rowell , Furniture Curator, The National Trust	Case 17
David Scrase , Assistant Director, Collections, The Fitzwilliam Museum	Case 8 & 16
Desmond Shawe-Taylor , Surveyor of the Queen's Pictures, The Royal Collection	Case 11
Timothy Stevens , Director, The Gilbert Collection	Case 5
Georgina Stonor , Independent Archives and Manuscripts Expert	Case 15
Liba Taub , Director, Whipple Museum of Science	Case 14
Ernst Vegelin van Claerbergen , Head of The Courtauld Gallery, Courtauld Institute of Art	Case 9
Liza Verity , Curator of Weapons, National Maritime Museum	Case 3
Rowan Watson , Senior Curator, Manuscripts, Victoria and Albert Museum	Case 15
Michael Webb , Head of Cataloguing Western Manuscripts, Bodleian Library	Cases 12 & 13
Patricia Wengraf , Patricia Wengraf Ltd	Case 6

Aidan Weston-Lewis , Senior Curator, National Gallery of Scotland	Case 7
Arthur Wheelock , Curator, The National Gallery of Art, Washington	Case 4
Sir Christopher White , Art Historian	Case 16
Andy Wood , Reader in Social History, University of East Anglia	Case 13
Thomas Woodcock , Norroy and Ulster King of Arms	Case 15

Appendix E

Value of items placed under deferral (1998-99 to 2007-08) (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 (£ millions)	(3) Value (at deferral) of cases in (2) where items were licensed for permanent export (£ millions)	(4) Value of items in (3) as % of (2)	(5) Value of items in (2) that were not licensed for export (£ millions)	(6) Value (at deferral) of cases in (2) where items were purchased by UK institutions or individuals ¹ (£ millions)	(7) Value of items in (6) as % of (2)
1998-99	23.5	21.0	89%	2.5 ²	2.3	10%
1999-2000	9.5	5.0	53%	4.5 ³	0.5	5%
2000-01	19.3	12.6	65%	6.6 ⁴	3.7	19%
2001-02	18.9 ⁵	11.4 ⁶	60%	7.5 ⁷	5.4 ⁸	29%
2002-03	74.9	23.2	31%	51.7 ⁹	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 ¹⁰	5.8	13%
2005-06	15.6	7.3	47%	8.3	8.3	53%
2006-07	24.5	10.7 ¹¹	43%	11.8	7.0	29%
2007-08	15.3	12.8	84%	2.5 ¹²	1.4	9%
Totals	255.6	135.2	53%	118.4	80.4	31%

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

² Includes value of one case (£130,275) where the licence application was withdrawn during the deferral period.

³ Includes value of four cases (£4,060,642.50) where the licence application was withdrawn during the deferral period.

⁴ Includes value of four cases (£2,964,362.50) where the licence application was withdrawn during the deferral period.

⁵ 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.

⁶ 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.

⁷ 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.

⁸ Includes value of one case (£2,000,000) where a licence was issued but the owner subsequently sold the item to a UK institution.

⁹ 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.

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

¹¹ 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.

¹² Includes value of one case (£1,084,500) where the owner failed to confirm that he/she was willing to accept a matching offer and the Secretary of State subsequently refused an export licence.

Appendix F

Items licensed for export after reference to expert advisers for advice as to national importance:
1 May 2007 – 30 April 2008

Category	Advising authority	No of Items	Total value (£)
Arms and armour	Royal Armouries, HM Tower of London, Master of the Armouries	66	20,091,910
Books, maps etc	British Library, Keeper of Printed Books, Keeper of Printed Maps	78	20,257,839
Books (natural history)	British Museum (Natural History), Head of Library Services	6	500,620
Clocks and watches	British Museum, Keeper of Clocks and Watches	27	4,001,522
Coins and medals	British Museum, Keeper of Coins and Medals	1,304	3,021,642
Drawings: architectural, engineering and scientific	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	26	3,343,670
Drawings, prints, watercolours	British Museum, Keeper of Prints and Drawings	213	98,401,270
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	2	1,575,000
Ethnography	British Museum, Keeper of Ethnography (Museum of Mankind)	1	150,000
Furniture and woodwork	Victoria & Albert Museum, Curator of the Furniture and Woodwork Collection	195	38,841,195
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	2	2,450,000
Indian furniture	Victoria & Albert Museum, Curator of the Indian and South-East Asian Department	2	675,000
Japanese antiquities	British Museum, Keeper of Japanese Antiquities	4	602,500
Manuscripts, documents and archives	British Library, Manuscripts Librarian	4,384	102,310,988
Maritime material, including paintings	National Maritime Museum	1	112,633
Oriental antiquities (except Japanese)	British Museum, Keeper of Oriental Antiquities	40	6,050,965
Oriental furniture	Victoria & Albert Museum, Keeper of Oriental Furniture	1	135,000
Paintings, British, modern	Tate Gallery, Keeper of the British Collection	318	522,972,067
Paintings, foreign	National Gallery, Director	285	1,038,029,223
Paintings, miniature	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	4	589,500
Paintings, portraits of British persons	National Portrait Gallery, Director	52	43,731,547

Category	Advising authority	No of Items	Total value (£)
Photographs	National Museum of Photography, Film & Television, Head	4,650	25,404,766
Pottery	Victoria & Albert Museum, Curator of the Ceramics Collection	47	10,717,230
Prehistory & Europe (inc. Archaeological material & Medieval and later antiquities)	British Museum, Keeper of Prehistory & Europe	20,287	32,178,223
Scientific and mechanical material	Science Museum, Director	3	562,912
Sculpture	Victoria & Albert Museum, Curator of Sculpture	74	51,450,880
Silver and weapons, Scottish	Royal Museum of Scotland	1	240,000
Silver, metalwork and jewellery	Victoria & Albert Museum, Curator of the Metalwork, Silver and Jewellery Collection	164	57,934,335
Tapestries, carpets (and textiles)	Victoria & Albert Museum, Curator of the Textile, Furnishings and Dress Collection	35	9,033,595
Toys	Bethnal Green Museum of Childhood	0	-
Transport	Heritage Motor Centre	28	9,457,413
Wallpaper	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	1	135,000
Western Asiatic antiquities	British Museum, Keeper of Western Asiatic Antiquities	29	6,171,245
Zoology (stuffed specimens)	British Museum (Natural History), Keeper of Zoology	0	-
Totals		32,330	2,111,129,690

Appendix G

EXTRACT FROM PRIVATE GIVING FOR THE PUBLIC GOOD

Collections purchase

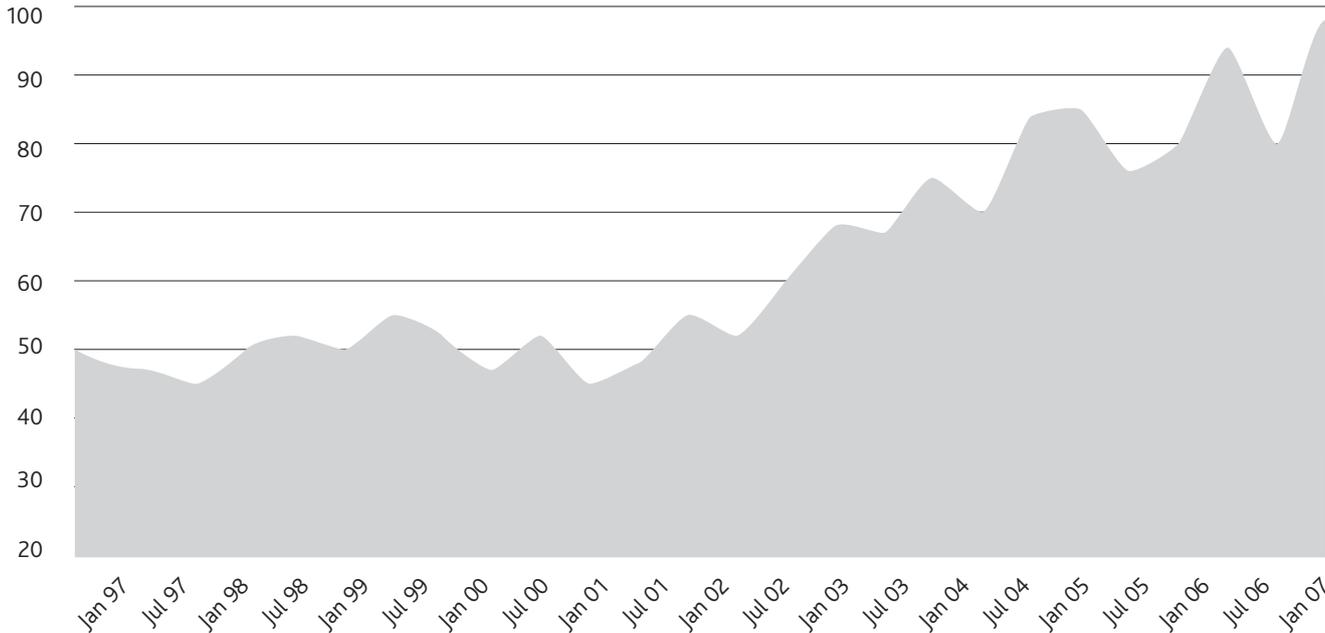
National governments and local authorities are signalling that after a period of steady increase in their support for culture, the many other pressures on public spending such as health and education mean that public resources are increasingly constrained. The budget for the Department for Culture, Media and Sport is less than 0.5% of total government expenditure, while many local authorities are actually cutting back.

At the same time, it costs more and more to sustain the buildings and collections, the orchestras, theatre and dance companies, the public libraries and archives and the wider historic environment that have given us such a rich and cultural life.

Our galleries and museums, for instance, find it harder and harder to add to their collections, with works by prominent British artists being lost to this country, as the market price of both historic and contemporary works of art has steadily risen.

This means that even those museums that still have some purchasing power are unable to compete in a global marketplace.

Artprice Global Index (Jan 1997 – Jan 2007)



Base July 1990 = 100 USD Quarterly data
Source: Artprice.com

Appendix H

Applications considered and deferred on the recommendation of Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest: 1998-99 to 2007-08

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 (£)
1998-99	8	21,009,066	8 ¹	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 ²	3,168,087	6	1,780,630 ³	7	690,701 ³	2	5,012
2001-02	5 ⁴	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	5 ⁵	10,709,778	12	7,009,075	4	1,944,032	3	700,275	2	40,000
2007-08	7	12,770,031	8	1,431,256	6	471,986	6	248,750	2	50,000

¹ Including a Roman gold finger-ring, valued at £2,352.50, which was donated by the owner to the British Museum.

² Including a series of 13 related finds.

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

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

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

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	The <i>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> , 2 nd 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
2002-3	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.1805	Victoria and Albert Museum	100,000	0	44,000	0
2003-04	A painting by Annibale Carracci, <i>The Holy Family with the Infant Saint John the Baptist ('The Montalto Madonna')</i> , 1597-1600	National Gallery	805,280	0	0	0
2003-04	Four silver wine coolers: one pair by Robert Joseph Auguste of Paris and one pair by Parker & Wakelin of London	Private Purchaser	1,098,513.68	0	0	0
2003-04	A Siena marble table made for William Beckford.	Beckford Tower Trust	220,000	110,000	35,000	40,000
2003-4	The Archive of G King & Son	Norwich Town Close Estate Charity	13,810	0	0	0
2004-5	A linen doublet, 1650s	National Museums of Scotland	25,935	0	0	0
2004-5	An Iron Age coin	British Museum	2,000	0	0	0
2004-5	The Macclesfield Psalter	Fitzwilliam Museum	1,685,600	(NHMF) 860,000	500,000	0
2004-5	A multi-gem Cartier bandeau	Private purchaser	300,000	0	0	0
2004-5	A pink satin and black bugle beaded bodice	Manchester City Galleries	12,350	0	0	3,500
2004-5	A marble sculpture by Benedetto Pistrucchi	The Rothschild Foundation	176,250	0	0	0
2004-5	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 (£)
2004-5	A drawing of Mary Hamilton by Sir Thomas Lawrence	Victoria and Albert Museum	165,000	(NHMF) 75,000	50,000	0
2004-5	A painting by Sir Joshua Reynolds, <i>The Archers</i>	Tate	3,200,000	(NHMF) 1,600,000	400,000	0
2004-5	A Charles II silver dish	Royal College of Physicians	192,000	(NHMF) 42,000	0	0
2005-6	An Anglo-Saxon gold coin of King Coenwulf of Mercia	The British Museum	357,832	(NHMF) 225,000	60,000	0
2005-6	Seven silver pieces (six off-cuts from silver ingots and a stamped arm-ring fragment)	The Ulster Museum	1,000	0	0	0
2005-6	A medieval bronze jug	Luton Museums Service	750,000	(NHMF) 568,000	137,500	0
2005-6	The Codex Stosch	The British Architectural Library	274,418	0	100,000	0
2005-6	A pair of paintings entitled <i>View of the Grand Walk, Vauxhall</i> and <i>The Rotunda, Ranelagh</i> by Giovanni Antonio II 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	The Alice Trust	775,000	0	0	0
2006-07	The archive of Reverend William Gunn	Norfolk Record Office	83,050	(HLF) 50,000	0	£15,000
2006-07	Anglo-Saxon gilded mount with interlace decoration	The Fitzwilliam Museum	7,000	0	0	0
2006-07	Anglo-Saxon great square-headed brooch	National Museums Liverpool	15,000	(HLF) 7,500	0	0
2006-07	A watercolour painting by J M W Turner, <i>The Blue Rigi, Lake of Lucerne, Sunrise, 1842</i>	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	0	8,000
2006-07	A Guild Roll of the Guild of St Mary	Nottinghamshire Archives	6,600	0	0	3,300
2006-07	A 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
2007-08	A carved and marquetry bookcase supplied by Gillows of Lancaster to Mrs Hutton Rawlinson, 1772	Lancashire County Museums Service	260,000	(NHMF) 92,000	100,000	30,000
2007-08	A 13-bore silver-mounted flintlock gun	The Royal Armouries	115,000	(NHMF) 57,500	28,750	0
2007-08	A portrait by J S C Schaak, <i>General Wolfe</i>	National Army Museum	300,000	(NHMF) 80,000	15,000	0
2007-08	A copy of the warrant for the execution of Mary Queen of Scots	Lambeth Palace Library	72,485.50	(NHMF) 17,485.50	0	20,000
2007-08	A ledger kept by a 17 th -century lead merchant in the Peak District	Derbyshire Record Office	3,770	0	0	0
2007-08	An early English brass astrolabe quadrant	The British Museum	350,000	(NHMF) 125,000	50,000	0
2007-08	The Dering Roll	The British Library	192,500	(NHMF) 100,000	40,000	0
2007-08	<i>Portrait of Alexander Dalrymple</i> by John Thomas Seton	National Museums Scotland	137,500	0	15,000	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 for Business, Enterprise and Regulatory Reform, HM Treasury, Foreign and Commonwealth Office, HM Revenue and Customs, Scottish Government Department for Culture, National Assembly for Wales Department for Culture and Northern Ireland Department for Culture);

(iii) the Directors of the English and Scottish national collections, the National Museum Wales, the National Museums Northern Ireland, and the Librarians of the National Libraries of Wales and Scotland;

(iv) the expert advisers to the Department for Culture, Media and Sport, to whom applications for export licences are referred, other than those who are members by virtue of (iii) above;

(v) eight representatives of non-grant-aided museums and galleries in England, Scotland, Wales and Northern Ireland, nominated by the Museums Association;

(vi) representatives of: Arts Council England; Arts Council of Northern Ireland; Arts Council of Wales; Association of Independent Museums; National Museum Directors' Conference; Friends of the National Libraries; Heritage Lottery Fund; The National Archives; National Archives of Scotland; The Art Fund; National Fund for Acquisitions; National Heritage Memorial Fund; National Trust; National Trust for Scotland; Pilgrim Trust; MLA/Victoria & Albert Purchase Grant Fund; the MLA PRISM Fund for the Preservation of Scientific and Industrial Material; Scottish Arts Council;

(vii) representatives of: British Academy; British Records Association; Canadian Cultural Property Export Review Board (observer status); Chartered Institute of Library and Information Professionals (CILIP); Council for British Archaeology; Historic Houses Association; Historical Manuscripts Commission; Museums, Libraries and Archives Council (MLA); Royal Academy of Arts; Royal Historical Society; Royal Scottish Academy; Scottish Records Association; Society of Antiquaries of London; Society of Archivists; Society of College, National and University Libraries;

(viii) representatives of the trade nominated by the: Antiquarian Booksellers' Association (*two*); Antiquities Dealers' Association (*two*); Association of Art and Antique Dealers (*two*); Bonhams; British Antique Dealers' Association (*three*); British Art Market Federation; British Numismatic Trade Association (*two*); Christie's; Fine Art Trade Guild; Society of London Art Dealers (*two*); Society of Fine Art Auctioneers; Sotheby's.

Appendix K

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, 2008)

Export Control Act 2002 (HMSO)

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

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

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

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

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

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

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

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

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

Appendix L

Membership of the Working Party on Manuscripts, Documents and Archives during 2007-08

Dr Christopher Wright, Chairman

Louise Adkin, Secretary, Museums, Libraries and Archives Council

Julia Brettell, MLA/V&A Purchase Grant Fund

Dr Patricia Croot, Institute of Historical Research

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

Hugh Jacques, Dorset History Centre

Norman James, The National Archives

Nick Kingsley, The National Archives

Helen Loughlin, Deputy Head of AELU, Museums, Libraries and Archives Council

David Park, Bonhams

Julian Rota, Antiquarian Booksellers Association,

Rachel Stratton, Cultural Property Unit, Department for Culture, Media and Sport

David Uffindell, Head of Export Licensing Unit, Museums, Libraries and Archives Council

Frances Wilson, PRISM Grant Fund, Museums, Libraries and Archives Council

John Wilson, John Wilson Manuscripts Limited