

department for  
culture, media  
and sport

# Export of Objects of Cultural Interest

2011/12



ARTS COUNCIL  
ENGLAND

# **Export of Objects of Cultural Interest**

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2011/12

1 May 2011 to 30 April 2012

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

Cover image: *The Crouching Venus*, by John Nost the Elder

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and sport**

# Export of Objects of Cultural Interest

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## 2011/12

1 May 2011 to 30 April 2012

- 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  
and Minister for Women and Equalities

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

I am pleased to lay before Parliament the eighth 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 2011 to 30 April 2012.

This is the 58th year that the Government has published the annual report of the Reviewing Committee and I wish to express my personal support and thanks to the Committee and its expert advisers. We are truly indebted to them and, in particular, to Lord Inglewood for his excellent Chairmanship.

The Committee continues to provide an important safety net in ensuring that there is an opportunity, through our export licensing process, to save some of our most precious cultural treasures from disappearing overseas whilst sustaining a free market and respecting the rights of owners. Of course, it is never possible to save every item recommended as important by the Committee under the Waverley Criteria but, even in these very difficult economic times, it is highly encouraging that national treasures worth just under £30 million have this year been saved for collections throughout the UK.

There are numerous examples from this year's report which demonstrate the variety and splendour of objects which have been saved for the nation. These include the draft in short score of Benjamin Britten's *The Young Person's Guide to the Orchestra*, one of the most famous classical pieces of music to have been written by a British composer since the Second World War and now an important addition to the collection of the British Library.

Other notable cases include Edouard Manet's *Portrait of Mademoiselle Claus*, an unfinished work and study for his more famous work *The Balcony*, which reveals much about the artist's working processes and is a beautiful painting in its own right. With financial support from the Heritage Lottery Fund and Art Fund, the painting was acquired by the Ashmolean Museum and will begin a nationwide tour in 2013.

Furniture and sculpture are also well represented in the form of a pair of 17th century Italian console tables which reflect the history of taste and collecting in 19th century Britain and a sculpture by John Nost the Elder, *The Crouching Venus*, one of the earliest versions of this kind in England of an antiquity in marble, made for a British client. The tables were acquired by the Victoria and Albert Museum (V&A) and National Museums Scotland and the sculpture also went to the V&A.

Of course, it is not possible to save all the items for which the Committee recommends export deferral and each of the three objects which were exported is a sad loss to the nation. In this respect, I very much hope that generous individuals, businesses, and other organisations will continue to support the acquisition of Waverley quality objects, despite the challenging financial climate which we currently face.

The Committee has previously expressed support for greater encouragement for cultural philanthropy to support acquisitions by public collections. The Acceptance in Lieu scheme continues to be an important mechanism by which pre-eminent objects can be taken into public ownership and I was delighted to learn recently that objects with a value of just under £40 million have been accepted into public ownership through the Scheme within the last two years.

I welcome the Committee's support for the new Cultural Gifts Scheme (CGS) which will run in parallel with the Acceptance in Lieu scheme and enable owners to donate cultural treasures to the nation within their own lifetime in exchange for tax reductions. The CGS will provide an important boost to cultural philanthropy and, combined with the Acceptance in Lieu scheme and outstanding efforts of all those public funding agencies and individuals who give so generously towards our heritage, will provide a collective legacy for the benefit of us all and generations yet to come.

There are two issues the Committee has drawn to the attention of Government where procedures can be strengthened and which both illustrate the particular challenges in balancing the interests of the nation with the rights of private owners.

The first of these, the Ridley procedure, has indeed worked well over the last twenty years or so but I am persuaded that the overall objective of keeping national treasures within the UK is best served by extending the present five year period to 10 years. The relevant policy has therefore now been changed so that offers from "Ridley purchasers" should usually be accompanied by an undertaking to retain ownership of the object for 10 years.

I am also considering the Committee's proposals in response to the small number of cases where, following the export-deferral of an item and the expression of interest by a UK purchaser, owners then withdraw their licence application. I recognise that this can be both frustrating and costly to public institutions which have expressed an interest in acquiring the object.

I support the Committee's proposal that there should be a limit on the extent to which temporary export licences may be extended. We have recently completed a public consultation on this and will be publishing our response shortly.

Finally, I wish to express my gratitude to all those organisations and individuals who have given so generously towards the objects saved. It is their commitment, together with the continuing enthusiasm and dedication of world class experts in museums and the many volunteers and supporters throughout the UK which has made this possible.



**Maria Miller**

Secretary of State for Culture, Media and Sport  
and Minister for Women and Equalities

## Operation of the Control

The following figures cover the period of this report (1 May 2011 to 30 April 2012).

	<b>1 May 2010 – 30 April 2011</b>	<b>1 May 2011 – 30 April 2012</b>
(a) Number of applications for individual export licences <sup>1</sup>	11,134	11,615
(b) Number of above applications which were for manuscripts, documents or archives	1,679	1,444
(c) Number of items licensed after reference to expert advisers on the question of national importance	19,686	33,236
(d) Total value of items in (c)	£1,487,129,756	£1,970,115,511
(e) Number of Open Individual Export Licences (OIEL) in operation having been issued in previous years to regular exporters for the export of (i) manuscripts, documents, archives and photographic positives and negatives; (ii) objects imported into the UK in the past 50 years; (iii) UK origin coins; (iv) the temporary export of a Rolls Royce; (v) the temporary export of objects in soil samples from archaeological sites in Northern Ireland; (vi) the temporary export of objects owned or under the control of national institutions or institutions holding designated collections.	67	68
(f) Number of items licensed after the Export Licensing Unit was satisfied of import into the UK within the past 50 years	13,493*	13,002
(g) Total value of items in (f)	£8,546,102,829	£7,870,416,556
(h) Number of items in (f) which were manuscripts, documents or archives	1,671	1,256
(i) Total value of items in (h)	£60,645,287	£72,137,155
(j) Number of items given an EU licence without reference to the question of national importance because they were either: valued at below the appropriate UK monetary limit <sup>2</sup> ; owned by a museum or gallery that had an OIEL; manuscripts valued at £1,500 or less or coins valued at £500 or less and the exporter held a valid OIEL; musical instruments exported for less than three months for use in the course of work by a professional musician; a motor vehicle exported for less than three months for social, domestic or pleasure purposes; a foreign registered motor vehicle exported following importation for less than three months for pleasure purposes; imported into the UK in the last 50 years and were being exported on a temporary basis.	3,359	4,108
(k) Total value of items in (j)	£2,360,899,205	£1,993,935,304

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

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

\*This was previously reported as 32,802 in the 2010-11 report. This was an error and should be 13,493.



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 2011 to 30 April 2012

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To:

Rt Hon Maria Miller MP  
Secretary of State for Culture, Media and Sport  
and Minister for Women and Equalities

58th Report of the  
Reviewing Committee



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

## Members of the Committee 2011/12

Lord Inglewood (Chairman)  
Professor David Ekserdjian  
Ms Philippa Glanville  
Mr Johnny Van Haefen (until 2 June 2011)  
Mr Aidan Weston-Lewis (from 10 May 2011)  
Mr Lowell Libson (from 3 June 2011)  
Mr Simon Swynfen Jervis  
Dr Catherine Johns  
Dr Christopher Wright

## Secretary

Mr Peter Rowlands

## Postal Address

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and Objects of Cultural Interest  
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London  
SW1P 3NQ

*A register of interests held by Committee members is posted on Arts Council England's website: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)*

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## Part I:

# Reviewing Committee Report for 2011/12

1 May 2011 to 30 April 2012

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## Introduction

### **History and operation of the export control system**

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

### **Committee members, expert advisers, independent assessors and the administration of the system of export control**

During the 2011/12 reporting year (up until the end of April 2012) there were three changes of membership. Johnny Van Haeften's term of appointment expired on 2 June 2011. We should like to record our appreciation for his valuable service over the ten years of his membership. Lowell Libson was appointed to a four year term to take his place with specialist knowledge of the art market and British art of the 17th to 20th centuries. Aidan Weston-Lewis was appointed for a four year period with specialist knowledge of Spanish and Italian art of the 16th and 17th centuries.

A full list of members can be found at the beginning of this report and brief biographies are included at Appendix C.

The Committee would like once more to thank the Secretary of State's expert advisers and the independent assessors for their vital expertise, time and commitment. The role they all play is essential to the proper working of the system. We would also like to thank all those in the Export Licensing Unit at Arts Council England and at the Department for Culture, Media and Sport (DCMS), who administer the system on the Secretary of State's behalf, without whose efforts the system of export control could not function in the manner in which it does.

## Observations on the working of the system of Export Control

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

### **Referral of items by expert advisers which might potentially meet the Waverley criteria**

In our view there is a continuing problem that there can, on occasion, be some reluctance on the part of the Secretary of State's expert advisers to refer items that might potentially meet the Waverley criteria to the Committee for consideration. In cases of doubt, expert advisers should always bring such items forward, because it is for the Committee to decide on whether they meet the criteria. It is of the utmost importance that the process should be carried out thoroughly and meticulously, irrespective of whether there is any expectation that funds might be available from any source for the purchase of export deferred items. This cannot be known in advance. Expert advisers play a crucial role in ensuring that items potentially of Waverley standard come before the Committee. Our country's procedures place on committee members the obligation to form a view as to whether they are national treasures.

### **Philanthropy and aiding acquisitions – Cultural Gifts Scheme**

We have, in previous years, called for changes to the tax system. In particular we believe the extension of the existing 'douceur' mechanism to all cases where tax might be offset through transferring ownership of a cultural object would be of great benefit to the heritage of the nation.

As we have, in past reports, called for the expansion of schemes that assist with the retention of national treasures within the UK, we note with satisfaction the scheduled introduction of the CGS. The CGS is intended to encourage lifetime giving of cultural objects specifically pre-eminent works of art and other historical objects.

This will complement the extremely successful Acceptance in Lieu scheme, which, for many decades, has allowed the payment of Inheritance Tax by way of offering pre-eminent works from the estates of the deceased. The introduction of this new scheme is a significant development and we reiterate our belief that it has the very real potential to play a major part in securing the nation's cultural inheritance for the future. Self-evidently, arrangements to encourage lifetime giving of cultural objects, which are well proven to be effective in other countries, must balance the public interest, whilst providing an appropriate level of fiscal recognition of the philanthropists' generosity. We will closely follow the reception and take up of the scheme.

### **Proposed cap on charitable giving**

In his budget speech the Chancellor of the Exchequer announced an intention for 2013 to cap the tax relief available to an individual on charitable giving. We believe this would have had a severe and damaging impact on the ability of the nation to retain national treasures. We wrote to the Chancellor of the Exchequer expressing our concern and urging him to reconsider. We are therefore pleased that, following the concerns raised by the sector, the Treasury announced that it no longer intends to introduce such a cap.

### **The Ridley Procedure**

As part of the wider deliberation about general ways in which private purchasers can be involved in the retention of national treasures within the UK, the Committee requested, in the last reporting period, that the Secretary of State consider whether it would be desirable to increase the period of time, currently five years, for which a 'Ridley' purchaser gives an undertaking to retain the object within the country. The Secretary of State had agreed to consider the Committee's request and brought forward proposals to this end. He subsequently approved the extension of this period of time from five to ten years. The Ridley Rules provide an important mechanism to allow a private individual to assist in the implementation of the general public policy that important cultural objects should remain within these shores, while suitably compensating export applicants for any limitation to their rights to the enjoyment of their property. In the last 20 years the Ridley procedure has worked well, but given the period of time since its introduction, it seemed an appropriate moment to look at the detail and ensure that a proper balance was being struck between national interest and private owners' rights.

### **Economic context including the adequacy of available funding to retain 'Waverley' items in the United Kingdom**

In the 2010/11 reporting period seven export deferred items with a value of just under £66 million left the country. Four export deferred items with a value of nearly £4 million were saved for the nation, which represents just five per cent of the total value of those items considered by the Committee. With the trend of buyers appearing to be prepared to pay ever increasing sums of money to purchase the best works of art on the market showing no sign of abating and given the diminishing level of public funding, the Committee is extremely appreciative of external funding provided towards purchasing items placed under deferral. In this light we are glad to record positive discussions about enhanced collaboration with the Heritage Lottery Fund (HLF), which has introduced a new fast stream funding procedure for time limited purchases.

### **Discontinuation of 'starring' items found to meet the Waverley criteria**

The Committee agreed that it would discontinue the practice, introduced in the late 1980s, of 'starring' some items it recommended as meeting the Waverley criteria which it also considered supremely important. It noted that in practice the process of starring appeared too frequently and hence, in some people's eyes, it had tended to undermine the significance of those objects which the Committee found Waverley without being 'starred'.

### **Export licensing systems in other countries**

The Committee is obviously interested in the system of export control in other countries and in particular in the EU. During the year, the Chairman had the opportunity to learn more about the French system of export control as a result of meeting with senior officials in the Ministry of Culture responsible for the operation of the French export control procedures and the designation of national treasures. It was noted that the French procedures were broadly similar to those in the UK, although there were also differences. Having said that, it was clear a number of similar issues are faced and it is hoped an ongoing link may be established to our mutual benefit.

### **The practice of withdrawing licence applications, following either a serious expression of interest in purchasing the object or an unconditional offer and of subsequently refusing such offers**

It is encouraging that in the current year there were no cases where the applicant withdrew their licence application, following either a serious expression of interest in purchasing the object or an unconditional

offer to do so. In last year's report we stated our serious concern about the practice of a few applicants for export licences, who indicated that they would accept a matching offer at the time of the hearing and subsequently changed their minds. The Committee remains of the opinion that the integrity of the Waverley system depends on those affected by it honouring the obligations to which they have previously agreed, such as a formally declared willingness, both at the Committee's hearing and in subsequent correspondence, to accept a matching offer from a UK purchaser. We submitted our proposal to the Secretary of State that those who have made a serious expression of interest and raised funds to make a matching offer, only to be thwarted by an owner's change of heart about agreeing to sell (albeit that they had previously given a written undertaking at the beginning of the second deferral period to this effect), should be compensated for all 'loss and damage' they have suffered as a result of relying on the owner's undertaking, just as if a binding contract to sell were in place. The Department is now in the process of reviewing our proposal.

### Temporary licences

In our last report we wrote that we had submitted a paper proposing a new policy for temporary licences to the Secretary of State for his consideration. That paper recommended that there should be a proper published policy and that there should be limits on the extent to which temporary licences may be extended. The Department has launched a public consultation on its own revised Temporary Licence Proposals.

### Theft of a national treasure

Outside the reporting period the Committee was distressed to hear of the theft of the *Wenlock Jug* which the Committee had recommended be export deferred in 2005 and which was subsequently purchased by Luton Museum Services. The Committee was gratified to hear of its recovery.

### Transfer of the administration of Cultural Property functions from Museums, Libraries and Archives Council to Arts Council England

Arts Council England assumed responsibility for administering a number of cultural property functions from the Museums, Libraries and Archives Council (MLA) on 1 October 2011. We congratulate them on the smooth transfer of work from MLA and applaud their decision to retain the Unit in London given that this is the centre of the art trade and associated bodies and the most convenient place for meetings to be held for all parties.

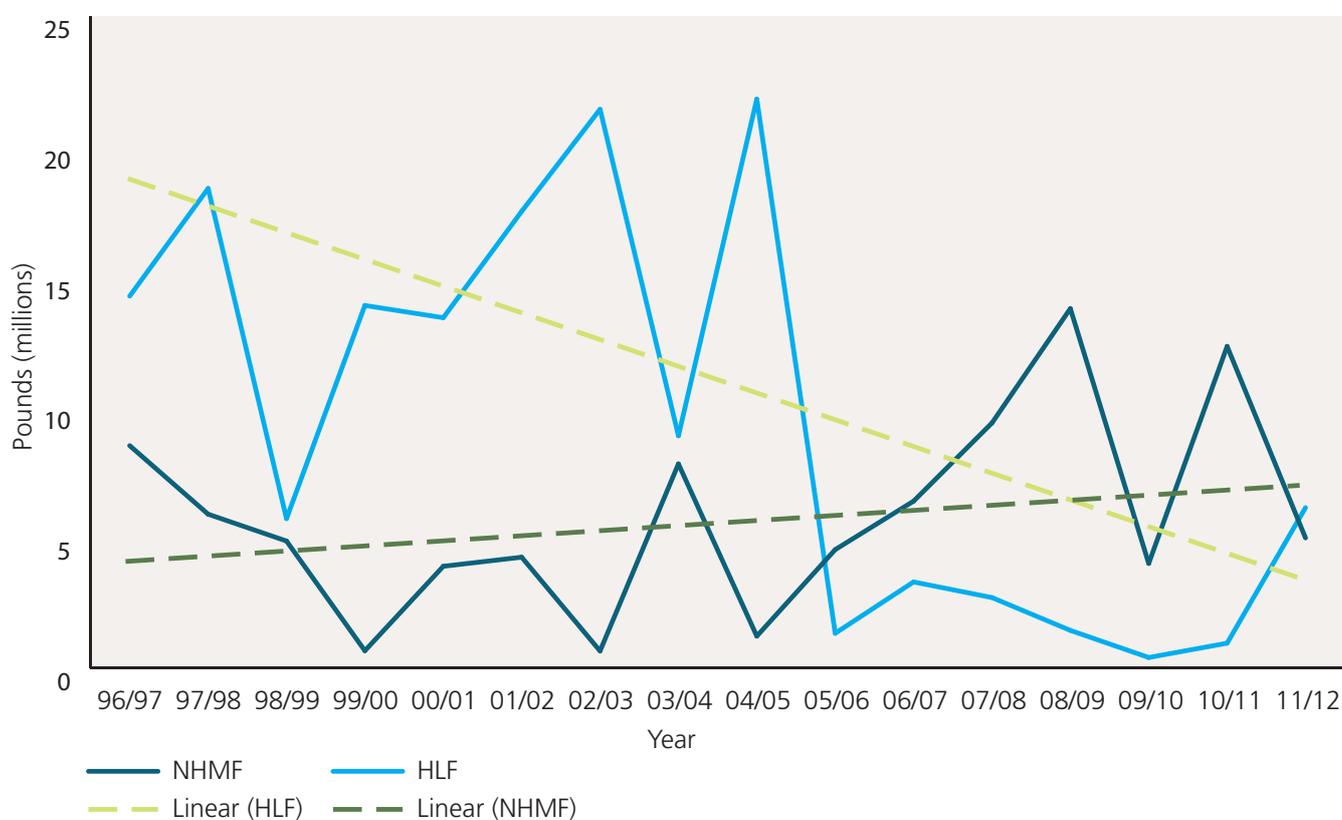
## Additional sources of funding for acquisitions

UK public institutions, regrettably, have very limited acquisition funds. We are extremely grateful, as always, for the external funding provided towards purchasing items placed under deferral as a result of recommendations we have made. The main sources of funding are listed below, and the tables at Appendix G give further details of the funding received for export-deferred items.

Year	NHMF (£ millions)	HLF (museums/galleries) (£ millions)	HLF (manuscripts/ archives) (£ millions)	Total (£ millions)	Total adjusted for Inflation as per 2011 (£ millions) approximate*
2002/03	0.65	19.29	2.15	22.09	29.49
2003/04	7.83	5.59	3.32	16.74	21.71
2004/05	1.22	1.18	20.65	23.05	29.04
2005/06	4.54	1.19	0.14	5.87	7.19
2006/07	6.40	2.10	1.20	9.70	11.52
2007/08	9.40	1.10	1.60	12.10	13.77
2008/09	13.79	1.12	0.32	15.23	16.67
2009/10	4.01	0.36	0.04	4.41	4.85
2010/11	12.34	0.69	0.26	13.29	13.98
2011/12	4.99	6.04	0.11	11.14	n/a

\*Figures based on the Bank of England Inflation Calculator for illustrative purposes only: [www.bankofengland.co.uk/education/inflation/calculator/index1.htm](http://www.bankofengland.co.uk/education/inflation/calculator/index1.htm)

## NHMF and HLF spend on acquisitions 1996/97 to 2011/12



### i) The National Heritage Memorial Fund

The National Heritage Memorial Fund (NHMF) was set up under the National Heritage Act 1980 in memory of the people who gave their lives for the UK. Its purpose is to act as a fund of last resort to provide financial assistance towards the acquisition, preservation and maintenance of land, buildings, works of art and other objects which are of outstanding importance to the national heritage and are under threat. The Government increased the NHMF's grant-in-aid from £2 million in 1997/98 to £5 million in 2001/02 and maintained it at that level until 2006. In 2007/08 the government doubled grant-in-aid to £10 million. In March 2010 it was announced that the budget for 2010/11 would be reduced to £5 million. NHMF will allocate £5 million per year in grant funding from 2011/12 to 2013/14 and use the NHMF endowment fund if necessary for exceptional cases such as the St Cuthbert Gospel.

Unlike previous years, the NHMF was not approached this year to support the acquisition of items that had been placed under temporary export deferral following recommendations from the Reviewing Committee. However, the fund is there to support the retention of items in the UK and the NHMF would like to underline

its continuing key role in underpinning other Government mechanisms for securing cultural property at risk of loss to the nation.

A highlight of the year was the purchase by the Bodleian Library of a rare manuscript of an unfinished novel by Jane Austen with an award of £894,700. Entitled *The Watsons*, the manuscript is thought to be the only surviving original draft of a novel by Austen. Other significant awards this year included the acquisition of Yr Ysgwrn in Snowdonia. This was the home of the Welsh First World War poet Hedd Wynn who was tragically killed at the Battle of Passchendale. It illustrates how the NHMF works in partnership, in this case with Cadw and CyMAL in Wales, to safeguard and maintain public access to heritage. In Scotland the NHMF helped the Royal Society for the Protection of Birds purchase 173 hectares of floodplain on the south-eastern bank of Loch Lomond with an award of £172,000. The land lies within the Loch Lomond and Trossachs National Park and is part of a National Nature Reserve. Norwich Castle Museum and Art Gallery was awarded £93,000 to acquire four 16th century stained glass roundels depicting a popular medieval motif – the Labours of the Months. Leeds Museums and Galleries

acquired an Anglo-Saxon gold hoard with an award of £95,000. This acquisition was the NHMF's only award this year for a find declared as Treasure by the Treasure Valuation Committee.

## **ii) Heritage Lottery Fund**

HLF distributes lottery proceeds that go towards the Heritage Good Cause. Its priorities, at national, regional and local levels, include conservation and enhancement, encouragement to more people to be involved, and making sure that everyone can learn about, have access to, and enjoy their heritage. HLF had £255 million for 2011/12 for projects aimed at preserving and making accessible the nation's heritage. It is prepared to make grants of up to 95 per cent of the total cost for grants up to £1 million. For larger requests, of over £1 million, applicants are expected to provide 10 per cent of the total costs.

Recently HLF made grants of £3 million to the National Gallery and National Galleries of Scotland for the purchase of Titian's *Diana and Callisto*, £107,300 to Kingston University for the purchase of the Iris Murdoch/Philippa Foot series of correspondence and £225,900 for the purchase of the Wickham Market Hoard which is the most complete Iron Age gold coin hoard in the UK.

In 2011/12 HLF contributed funding to the acquisition of two items placed under temporary export deferral following a recommendation by the Reviewing Committee. These were the De Lucci pair of console tables, one of which the National Museums Scotland acquired with an HLF award of £125,000 and the purchase of a *Portrait of Mademoiselle Claus* by Edouard Manet by the Ashmolean Museum with an HLF award of £5.9 million.

In October 2011 HLF changed the acquisitions policy to make it simpler for organisations to acquire portable heritage when they were trying to respond to tight timeframes. Applicants now demonstrate how the acquisition fits with its current and planned activity programmes rather than produce a separate activity plan. HLF has had a number of successful applications since that policy change including the acquisition of a Turner watercolour for Brighton Pavilion and Museums and a set of formerly lost Captain Scott photographs from the 1912 Antarctic expedition for the Scott Polar Institute. This addresses a pressing issue from former years calling for HLF to accommodate the particular circumstances of export deferrals within the application procedure to ensure that institutions that are interested in acquiring export-deferred items are able to make a matching offer within the tight timescales necessary.

It should be noted that the Collecting Cultures programme to develop collections through targeted acquisition continues through to 2013. The initiative supports the strategic development of museum collections, not just with funding for purchases, but also for staff development and public engagement with collections. In 2008 HLF allocated over £3 million for 22 projects under this initiative.

The table and graph on pages 12 and 13 set out the figures for the NHMF's and HLF's commitments to acquisitions, including grants awarded for the acquisition of manuscripts and archive material.

## **iii) The Art Fund**

The Art Fund is the national fundraising charity for art, helping to increase the range and quality of art in public collections across the UK. It helps museums and galleries acquire works of all kinds, from Old Masters to new media, and supports a range of programmes that share and display collections, including ARTIST ROOMS on tour with the Art Fund. Its income is raised from private sources including trusts, foundations, individuals and corporate supporters, as well as the generosity of its 90,000 members and supporters who, through the National Art Pass, enjoy free entry to over 200 museums, galleries and historic houses across the UK and 50 per cent off many major exhibitions.

The Art Fund often uses its money as challenge-funding to lead fundraising appeals to save works of art from leaving the country or being taken from public view. In 2011, it led a campaign to help Somerset Museum purchase the *Frome Hoard* and worked in partnership with the National Maritime Museum to acquire Yinka Shonibare's *Nelson's Ship in a Bottle*.

Over the past five years the Art Fund has given over £24 million to 227 UK museums to help buy individual works of art, including many export-deferred objects. In 2011/12, the Art Fund contributed £1.1 million to secure two export-deferred items for the nation, including £250,000 towards a pair of Italian console tables, acquired jointly by the National Museums Scotland and the V&A, and £850,000 towards the Ashmolean Museum's purchase of Edouard Manet's *Portrait of Mademoiselle Claus*.

## **iv) The V&A Purchase Grant Fund**

The V&A Purchase Grant Fund assists the purchase of objects costing less than £500,000 for the collections of non-national museums, galleries, specialist libraries and record offices in England and Wales. In 2011/12, it made 107 awards totalling £661,033. Two items which had been placed under temporary export deferral following a recommendation by the Reviewing Committee in the

previous reporting year fell within the Fund's remit. The Fund was unable to offer support to the acquisition of the cabinet made for William Beckford for Lansdown Tower, 1831-41, by Bath Preservation Trust due to lack of funds but contributed £20,000 towards the purchase of an Imari Porcelain garniture from Althorp, 1690-1720, acquired by the Ashmolean Museum, Oxford.

The V&A Purchase Grant Fund was not approached to assist with the acquisition of any items placed under temporary export deferral following a recommendation by the Reviewing Committee during the period of this report.

The Purchase Grant Fund is always greatly oversubscribed and it is regrettable that its budget, static 1995-2008 at £1 million, was reduced to £900,000 in 2009/10 and to £600,000 for 2011/12 by MLA. Arts Council England has, however, set the budget for 2012/13 at £750,000, a modest but very welcome increase.

#### **v) The National Fund for Acquisitions**

The National Fund for Acquisitions (NFA), provided by Scottish Government to the Trustees of National Museums Scotland, contributes towards the acquisition of objects for the collections of museums, galleries, libraries and archives across Scotland. The NFA can help with acquisitions in most collecting areas including objects relating to the arts, literature, history, natural sciences, technology, industry and medicine. In 2011/12 the NFA made 72 payments totalling £142,720 to 33 organisations. As at 31 March 2012 a further 16 awards with a total value of £66,086 had been committed but not yet paid. NFA's already limited funding suffered a cut of 25 per cent in 2011/12, reducing the grant to only £150,000. Inevitably, the reduction in funding has limited the effectiveness of the fund in supporting collecting in Scotland.

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

The Acceptance in Lieu scheme enables historically important buildings, pre-eminent works of art and archives, and those that make a significant contribution to buildings in which they are housed, to become public property so that they are secured for the enjoyment and inspiration of all both now and in the future. In 2011/12 26 cases were completed, ensuring that over £31 million worth of important objects and archives have entered public collections. The items accepted included a Rubens grisaille oil sketch, *The Triumph of Venus*, which had been in a private UK collection since at least the early 18th century; Guercino's *Samian Sibyl* which had previously hung in Spencer House during the 18th and 19th centuries and Turner's *Lowther Castle Evening*.

Nine works by Dame Barbara Hepworth have also been acquired along with a collection of 30 paintings, drawings and etchings by Walter Sickert. In the area of decorative arts a large pair of silver-gilt cups and covers have been acquired which were made from the last Great Seal of England and the first Great Seal of Great Britain. These were commissioned by Lord Cowper who was Lord Chancellor and Keeper of the Great Seal in the reign of Queen Anne. Information on all the works of art and the archives accepted through the scheme in 2011/12 are detailed in the Acceptance in Lieu report, which is available on Arts Council England's website at [www.artscouncil.org.uk](http://www.artscouncil.org.uk).

#### **viii) Private treaty sales**

If a heritage object is sold on the open market, the vendor may be liable to Capital Gains Tax and Inheritance Tax. However, these tax charges are not incurred if an owner sells the object by Private Treaty to a body (eg a museum or gallery) listed under Schedule 3 of the Inheritance Tax Act 1984. Qualifying heritage objects include any previously granted conditional exemption or an item which would qualify as of pre-eminent importance. This dispensation was extended in April 2009 to Corporation Tax on companies' chargeable gains. This is an attractive tax exemption because benefits are shared. The vendor receives the amount that he or she would have received at the agreed market value, net after tax, but also receives a 'douceur' (usually 25 per cent) of the tax that would have been chargeable. The purchaser normally pays what would have been paid under normal arrangements, less a proportion of the tax (usually 75 per cent) that would have been chargeable.

Schedule 3 to the Inheritance Tax Act 1984 lists those museums that are able to benefit from a 'douceur' when acquiring works of art that are subject to either Inheritance Tax, Capital Gains Tax or Corporation Tax on sale.

### **Advisory Council**

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

the different categories of objects, as well as enabling institutions, not least provincial ones, and the art trade to make their views known.

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

The Advisory Council is normally convened annually and met most recently on 13 June. The main issue discussed was the integration of the Export Licencing Unit and other Cultural Property functions into Arts Council England. The discussions were followed by presentations from Keith Nichol (Head of Philanthropy and Fundraising, DCMS) and Gerry McQuillan (Senior Adviser, Arts Council England) on the forthcoming CGS and from Sir Paul Ruddock (Philanthropist and Chair of the V&A Board of Trustees) who spoke on philanthropy and fundraising. The Council also considered the draft policy section of the Reviewing Committee's Annual Report for 2011/12. Its comments have been fully considered and are reflected in this text.

## Manuscripts, documents and archives

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

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

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

The Working Party usually meets annually, although it may meet more frequently if necessary. It met most recently on 8 May 2012 when it was reported that the Reserved Photocopies of exported manuscripts deposited at the British Library were now indexed on the Library's new electronic catalogue. As a result, it appeared there had been a significant increase in the use of this material. It was noted that The National Archives (TNA) had taken over the strategic archival responsibilities previously held by the MLA in October 2011.

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 V&A Purchase Grant Fund, the PRISM Fund, the Friends of the National Libraries, the Secretary of the Acceptance in Lieu Panel and TNA Sales Monitoring Service. HLF and the NHMF had provided details of funding towards archival and manuscript material.

### **i) The V&A Purchase Grant Fund**

During 2011/12, the V&A Purchase Grant Fund considered 21 cases in respect of manuscript material and offered 13 grants totalling £120,332 enabling purchases of over £500,000 to go ahead. The budget was reduced to £600,000 for the fund overall and pressure on resources meant that grants for manuscripts were reduced by a total of £37,668 from the sums requested. Arts Council England has, however, set the budget for 2012/13 at £750,000, a modest but very welcome increase.

### **ii) The PRISM Fund**

The PRISM Fund supports the acquisition and conservation of material relating to all fields of the history of science, technology, industry and medicine. During 2011/12, it was able to make two grants for the acquisition of archival or similar material, totalling £6,542.

### **iii) The Friends of the National Libraries**

The Friends assist various institutions primarily by promoting the acquisition of printed books, manuscripts and records of historical, literary, artistic, architectural and musical interest. The Friends made or committed 22 grants to 21 institutions in 2011, totalling £90,830 from the operating fund and £17,645 from the restricted funds.

### **iv) The Heritage Lottery Fund and National Heritage Memorial Fund**

The Funds made awards for the purchase of archival and manuscript material totalling £1,627,000 in 2011/12.

### **v) Acceptance in Lieu**

The Acceptance in Lieu scheme is also an important means of retaining archival material within the United Kingdom. During 2011/12 the Acceptance in Lieu scheme brought into public ownership four archives. The most significant was the archive of Lord and Lady Mountbatten. Information on all the works of art and the archives accepted through the scheme in 2011/12 are detailed in the Acceptance in Lieu report, which is available on Arts Council England's website at [www.artscouncil.org.uk](http://www.artscouncil.org.uk).

## vi) National Archives sales catalogue monitoring service

The sales catalogue monitoring service, among its other functions, notifies repositories when manuscripts and archives become available for acquisition through public sales. This service is greatly valued by repositories. In 2011/12, 76 items were purchased by 36 different repositories as a result of notifications. However there were 27 unsuccessful bids, as repositories were outbid or dealers had already disposed of stock.

The Working Party strongly endorses the work of these funds and this scheme and service and expresses its thanks to the advisers and administrators of all of them, who work hard, often at very short notice, to enable applicants to acquire material. It noted that the national endorsement they provide to local institutions is often as valuable as the financial assistance provided.

**Table 1**

The statistics below show the figures for the number of cases from 2002/03 to 2011/12.

(1) Year	(2) Cases considered by the Committee	(3) Cases where a decision on the licence application was deferred	(4) Cases in (3) where items were not licensed for permanent export	(5) Cases where items were not licensed for permanent export as % of (3)	(6) Value (at deferral) of cases in (4) where items were not licensed for permanent export (£m)	(7) Cases in (3) where items were licensed for permanent export	(8) Cases where items were licensed for permanent export as % of (3)	(9) Value of items in (3) (at deferral) licensed for export (£m)
2002/03	26	23	14	61	51.7	9	39	23.2
July 2003/ April 2004	18	9	7	78	6.8	2	22	1.0
2004/05	32	25	15	60	16.2	10	40	30.2
2005/06	22	17	9	53	8.3	8	47	7.3
2006/07	28	19 <sup>1</sup>	14 <sup>2</sup>	74	11.8	4	21	10.7
2007/08	18	16	9 <sup>3</sup>	56	2.5	7	44	12.8
2008/09	22	16	9	56	1.5	7	44	14.2
2009/10	14 <sup>4</sup>	13 <sup>5</sup>	7	54	10.1	6	46	60.8
2010/11	18 <sup>6</sup>	14 <sup>7</sup>	7	50	5.9	7	50	65.8
2011/12	11	7	4	57	29.8	3	43	44.8
<b>Totals</b>	<b>209</b>	<b>159</b>	<b>95</b>	<b>60</b>	<b>144.6</b>	<b>63</b>	<b>40</b>	<b>270.8</b>

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

<sup>2</sup> Excludes one case still under deferral at the time of writing and includes two cases where the licence application was withdrawn during the deferral period.

<sup>3</sup> Includes one case where the licence application was refused at the end of the first deferral period because the owner refused to confirm that they were willing to accept a matching offer from a UK purchaser.

<sup>4</sup> Excludes one case which was carried over into 2010/11.

<sup>5</sup> Excludes one case which was carried over into 2010/11.

<sup>6</sup> Includes one case which was carried over from 2009/10.

<sup>7</sup> Includes one case which was carried over from 2009/10.

**Table 2**

The statistics below show the figures for the values associated with cases from 2002/03 to 2011/12.

(1) Year	(2) Cases where a decision on the licence application was deferred	(3) Value of items in (2) (£m)	(4) Cases where items were acquired by institutions or individuals in the UK <sup>1</sup>	(5) Value (at deferral) of items in (4) (£m)	(6) Value of items in (5) as % of (3) (£m)	(7) Cases where the application was refused or withdrawn after the announcement of the Secretary of State's decision	(8) Value of items in (7) (£m)
2002/03	23	74.9	12	39.2	52	2	12.5
July 2003/ April 2004	9	7.7	7	6.8	88	1	0.8
2004/05	25	46.4	10	5.8	13	7	11.3
2005/06	17	15.6	9	8.3	53	0	0
2006/07	19 <sup>2</sup>	24.5	12	7.0	29	3	4.8
2007/08	16	15.3	8	1.4	9	1	1.1
2008/09	16	15.7	9	1.5	10	0	0
2009/10	13 <sup>3</sup>	71.5	6	10.1	14	1	0.6
2010/11	14 <sup>4</sup>	71.7	4	3.8	5	3	2.1
2011/12	7	74.6	4	29.8	40	0	0
<b>Totals</b>	<b>159</b>	<b>417.9</b>	<b>81</b>	<b>113.7</b>	<b>27</b>	<b>18</b>	<b>33.2</b>

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

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

<sup>3</sup> Excludes one case which was carried over into 2010/11.

<sup>4</sup> Includes one case which was carried over from 2009/10.

## Part II:

# Operation of the Control

During the period covered by this report (1 May 2011 to 30 April 2012):

- there were 11,615 applications for export licences
- 1,444 of these applications were for the export of manuscripts, documents or archives
- the applications covered a total of 50,346 items
- 33,236 items with a value of £1,970,115,511 were issued with export licences after they had been referred to expert advisers
- 68 Open Individual Export Licences (OIEL) were in operation over this period. 67 of these were issued in December 2010, and one was issued in August 2011, each taking effect for a period of three years or less ending on 31 December 2013 to regular exporters for the following categories of objects: a) 11 for the export of manuscripts, documents, archives and photographic positives and negatives; b) three for the export of goods over 50 years of age imported into the UK within the past 50 years; c) one for the export of UK origin coins; d) one for the temporary export of a Rolls Royce; e) one for the temporary export of objects in soil samples from archaeological sites in Northern Ireland and f) 51 for the temporary export of objects over 50 years of age owned by or under the control of a national institution or an institution holding a designated collection
- 13,002 items with a value of £7,870,416,566 were issued with export licences after the Export Licensing Unit was satisfied that they had been imported into the United Kingdom within the past 50 years
- 1,256 of these items with proof of import were manuscripts, documents or archives, with a total value of £72,137,155

- 4,108 items, with a value of £1,993,935,304 were given an EU licence without reference to the question of national importance because they were either: valued at below the appropriate UK monetary limit; owned by a museum or gallery that has an OIEL; manuscripts valued at £1,500 or less or coins valued at £500 or less and the exporter holds a valid OIEL; musical instruments exported for less than three months for use in the course of work by a professional musician; a motor vehicle exported for less than three months for social, domestic or pleasure purposes; a foreign registered motor vehicle exported following importation for less than three months for pleasure purposes; imported into the UK in the last 50 years and being exported on a temporary basis.

## Cases referred to the Committee

In 2011/12 18 cases were referred to the Committee because the appropriate expert adviser had objected to the proposed export on the grounds of national importance. This is a fraction of the items covered by the export licensing system and shows that expert advisers think very carefully before referring cases to us.

Of these 18 cases referred to the Committee in 2011/12, six were withdrawn before they reached the stage of consideration by us. One case was referred to the Committee in this reporting period but is still awaiting consideration. 11 cases were considered at seven meetings. Of these 11 cases one gave rise to issues which are still being resolved and the case will be reported in full in a future year, once the Committee has made its recommendation and the Secretary of State has made her decision. The criteria that were applied in each case by the Committee were:

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

### Items found to meet the Waverley criteria

We found that of the 11 cases which we considered, 11 met at least one of the Waverley criteria. The process of 'starring' items as a sign of their outstanding importance, to indicate that especially great efforts should be made to retain them in the UK, was discontinued during the reporting period. One case gave rise to issues which are still being resolved and the case will be reported in full in a future year. The remaining 10 items found to meet the Waverley criteria were:

**Case 1** – A painting by Jean-Antoine Watteau, *La Surprise* (met second criterion)

**Case 2** – A painting by Francesco Guardi, Venice: *A View of the Rialto Bridge from the Fondamenta del Carbon* (met second and third criteria)

**Case 3** – *A North Italian empire athénienne* by Luigi Manfredini (met second and third criteria)

**Case 4** – A pair of Italian console tables (met second and third criteria, starred)

**Case 5** – A sculpture by John Nost the Elder, *The Crouching Venus* (met third criteria)

**Case 6** – A painting by Edouard Manet, *Portrait of Mademoiselle Claus* (met second and third criterion)

**Case 7** – Benjamin Britten's complete draft score of *The Young Person's Guide to the Orchestra* (met first and third criteria)

**Case 8** – An Elizabethan miniature by Isaac Oliver, *Henry Wriothesley, 3rd Earl of Southampton* (met second and third criteria)

**Cases 9 and 10** – An albumen print, *The Beggar Maid* (met first, second and third criteria, starred) and a glass negative, *Alice Liddell Wearing a Garland* by Charles Lutwidge Dodgson, pseudonym 'Lewis Carroll' (met second and third criteria, starred)

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

Of the 11 applications for items which were found to meet the Waverley criteria, three were withdrawn following the hearing and consequently were not referred to the Secretary of State. These were:

**Case 8** – An Elizabethan miniature by Isaac Oliver, *Henry Wriothesley, 3rd Earl of Southampton*.

**Cases 9 and 10** – An albumen print, *The Beggar Maid* and a glass negative, *Alice Liddell Wearing a Garland* by Charles Lutwidge Dodgson, pseudonym 'Lewis Carroll'.

### Waverley items referred to the Secretary of State

Seven cases were referred to the Secretary of State's predecessor for deferral and he accepted our recommendations on all of them. The aggregate value of the seven items deferred was £74,621,090.

### Deferred items that were acquired

Of the 7 deferred items, the following four were acquired by institutions or individuals in the United Kingdom.

**Case 4** – A pair of Italian Console Tables:

- one table purchased by the V&A for £367,950 including £125,000 from the Friends of the V&A; £125,000 from the Art Fund and £17,856 from the Horn Bequest Fund, V&A
- one table purchased by National Museums Scotland for £367,950 including £125,000 from the Art Fund; £125,000 from HLF and £60,000 from National Museums Scotland Charitable Trust

**Case 5** – A Sculpture by John Nost the Elder, *The Crouching Venus* purchased by the V&A with the assistance of the Hugh Phillips Bequest for £485,000.

**Case 6** – A painting by Edouard Manet, *Portrait of Mademoiselle Claus* purchased by the Ashmolean Museum for £7,830,000 (tax remission) including £5.9 million from HLF; £850,000 from the Art Fund and £1,080,000 from trusts, foundations and private individuals.

**Case 7** – Benjamin Britten's complete draft score of *The Young Person's Guide to the Orchestra* purchased by the British Library for £201,660 (tax remission).

The four items purchased have a total value of £29,790,900 (value price at deferral), which represents 40 per cent of the total value of objects placed under deferral.

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

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

**Case 1** – A painting by Jean-Antoine Watteau, *La Surprise* (£17.5 million)

**Case 2** – A painting by Francesco Guardi, *Venice: A View of the Rialto Bridge from the Fondamenta del Carbon* (£26,697,250)

**Case 3** – A North Italian empire athénienne by Luigi Manfredini (£632,940)

The three items for which export licences were issued have a total value of £44,830,190, which represents 60 per cent of the total value of objects placed under deferral and 43 per cent in number.

### **Application to export a painting by Sir Joshua Reynolds, *Portrait of Omai*, for a period of 15 months**

On 4 April 2012 the Committee considered an application to export a painting by Sir Joshua Reynolds, *Portrait of Omai*, for a period of 15 months. The Secretary of State had confirmed that he wished to take the advice of the Reviewing Committee before coming to a decision as to whether an application for a temporary export licence should be granted. Following the recommendation of the Reviewing Committee, the Secretary of State decided not to grant a temporary export licence for the painting.

# Individual export cases

## Case 1

### A painting by Jean-Antoine Watteau, *La Surprise*

The painting is oil on panel and measures 36.3cm by 28.2cm. Set in an indeterminate landscape it depicts a man playing a guitar, dressed as the theatrical character, Mezzetin, looking at a couple embracing.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £20 million which represented an estimated value of the work.

The Director and the Curator of 17th and 18th century French paintings at the National Gallery, acting as expert advisers, had objected to the export of the painting under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

The expert advisers said that *La Surprise* was an exceptionally beautiful painting on panel and was characteristic of 'fêtes galantes', a genre of the artist's invention, in which elegant couples converse, flirt or physically engage, usually in outdoor settings. *La Surprise*, so called after the French title of Benoît II Audran's print, published in 1731, had been dated to 1718/19 by Old Master specialist, Alan Wintermute, who was currently preparing the forthcoming catalogue raisonné of Watteau's painting, and 1716 by collector Louis-Antoine Prat.

The couple in the left-hand side of the painting were based on a drawing that Watteau had made after a couple dancing in the middle ground of Rubens' *La Kermesse* (Musée du Louvre collection, Paris), then in the French Royal Collection. Watteau, however, had given his figures a more refined costume and had changed Rubens' boisterous dancers into a pair seated somewhat precariously on a ledge. The awkward stance of Rubens' woman had been transformed by Watteau into a swoon with her weight supported by her partner's left thigh and the man's touch in *La Surprise* was much lighter than in *La Kermesse*, his right hand caressing rather than grabbing the woman's wrist; the delicacy of pose was matched by that of the brushwork. The figure of Mezzetin was entirely Watteau's invention and was painted with a similar delicacy of touch. Mezzetin's angular pose and look, perhaps coolly ironic, perhaps dispassionate, contrasted with the couple's swirling movement and total absorption in one another.

The extraordinary appeal of this painting, which showed the artist at his most inventive, lay in part in the curious juxtaposition of Mezzetin and the lovers. This created an image as enigmatic now as it must have been when it was painted. Also, of equal importance, was the compositional relationship of the figures to the sky and the landscape; the harmonious composition of which recalled Claude Lorrain.

The expert adviser stated that unusually for Watteau, many of whose paintings were in poor or moderate condition, the condition of *La Surprise* was excellent, though there were minor retouchings, some drying cracks and thinness of paint. In addition, the painting had a distinguished provenance: according to the connoisseur, Pierre Mariette, it was painted for Nicolas Hénin (1691-1724); by 1731 it was in the collection of Jean de Jullienne (1686-1766) and was next recorded in 1764 in Mariette's catalogue of the paintings of Ange-Laurent de La Live de Jully (1725-79). Subsequently, it was recorded in the aborted 1792 sale of Parisian banker François-Michel Harenc de Presle (1710-1802), and then in the sale of François-Antoine Robit the elder in 1801 when it sold to Monsieur Vandevallé. By 1848 it was in the collection of Anne Elizabeth, Lady Murray (d.1848), and thereafter passed by descent until sold at auction at Christie's in London on 8 July 2008.

The applicant disagreed that the painting met the Waverley criteria. They said that there was no doubt that the high quality and well preserved small panel was an outstanding work but that, with nineteen paintings by the artist, the UK had the largest number of works by Watteau outside France. They stated that these works fully demonstrated the artist's style, technique, range of subject matter and variety of formats both on canvas and on panel. These paintings consisted of both masterpieces and of less exceptional works some of which had survived in excellent condition and others in poorer condition. They wrote that most of these works were of at least equal outstanding aesthetic importance to *La Surprise*. Therefore, the painting did not represent a significant enough addition to the already abundant number of paintings by Watteau in the UK to make its acquisition for the country necessary.

We heard this case in May 2011 when the painting was shown to us. We found that it met the second Waverley criterion on the grounds that it was of outstanding aesthetic importance. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £17.5 million. This price took into account the

differences in exchange rates since the purchase at auction in July 2008 and the current state of the market for Old Master pictures. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further nine months, but that if the applicant agreed to allow the painting to be exhibited for fundraising purposes, the second deferral period should be reduced to six 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 2

### **A painting by Francesco Guardi, Venice: A View of the Rialto Bridge from the Fondamenta del Carbon**

The painting is oil on canvas, circa 1768 and measures 120cm by 203.7cm. It depicts the busy stretch of the Grand Canal around the Rialto Bridge, the commercial hub of Venice enlivened by gondolas ferrying passengers, shoppers milling about, and elegantly dressed gentleman at business and leisure.

The applicant had applied to export the painting to Switzerland. The value shown on the export licence application was £26,697,250, which represented the hammer price at auction plus buyer's premium.

The Director and the Curator of Spanish and Later Italian Paintings at the National Gallery, acting as expert advisers, had objected to the export of the painting under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

The expert advisers stated that Francesco Guardi was the last great native view painter of Venice and that *Venice, A View of the Rialto Bridge* was one of his largest and most spirited depictions of Venice. Guardi was influenced by Canaletto's compositional methods; however, he always demonstrated a distinct, more artful sensibility. In the present work, the artist adopted the viewpoint of one of Canaletto's compositions but remade the scene, investing it with great visual drama by his particular framing and juxtaposition of the soaring facades on the right with the vast expanse of sky. Guardi's interest in recording transitory effects could be seen in the artist's rendition of late afternoon light, with the sun illuminating the buildings to the east

while those to the west were in shadow. The play of light on the buildings and water, and through the vast sky, was masterfully balanced without sacrificing energy.

The painting and its pendant were likely commissioned by Chaloner Arcedeckne of Glevering Park, Suffolk, on his visit to Venice in the summer of 1768. It was relatively rare to be able to suggest a date for one of Guardi's paintings, and this date would seem to support current views of his development. The painting was sold with its pendant by Arcedeckne's descendants to Lord Iveagh and became part of his extraordinary collection of masterworks.

The present work was one of only six large canvases, all painted probably in the first decade of Guardi's career as a view painter. These six paintings were conceived in pairs and were most likely painted on commission. The artist never worked on this scale again, most probably owing to lack of demand. The largest pair, *The Bacino di San Marco with the Molo and the Palazzo Ducale* and *The Bacino di San Marco with San Giorgio Maggiore and the Salute* (284.5cm by 423.8cm), were at Waddesdon Manor. They were painted perhaps a decade before the work under consideration and represented an early stage in the artist's development. Until recently, *Venice, A View of the Rialto Bridge* remained with its pendant, *The Rialto Bridge with the Palazzo Camerlenghi* (UK, private collection), which was shown in the National Gallery's exhibition *Venice: Canaletto and his Rivals* (2010/11) and, with its pendant, at Kenwood House (2008-10). The composition of the present painting balances that of its pendant which depicts the bridge from the opposite side. It was, therefore, most unfortunate that the paintings had been separated. A third pair, very close in size (120cm by 205cm) and date to the preceding pair, had also been broken up: *A View of the Giudecca and the Zattere* (formerly De Ganay collection) was sold at Sotheby's, Monaco, 1 December 1989, lot 72 and its pendant, *A View of the Bacino di San Marco with the Molo and the Palazzo Ducale* had been in the Musée des Beaux-Arts, Strasbourg, until it was destroyed by a fire in 1947.

The expert adviser said that Guardi had depicted the Rialto Bridge from the south many times and that this painting was probably the first and served as the prototype for the rest. However, most often Guardi showed the bridge from a closer viewpoint, and the only other view to take in the Palazzo Bembo on the right-hand side was a much smaller painting in the Gulbenkian Museum, Lisbon. While there were significant examples of Guardi's work in UK public and private collections, this painting was exceptional for its

large scale and its dramatic, impressionistic depiction of the scene. *Venice: A View of the Rialto Bridge* was executed just as Guardi was reaching full maturity and was a far more striking composition than the pair at Waddesdon. Thus, the export of this painting would be lamentable for the representation of the artist in this country.

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

We heard this case in September 2011 when the painting was shown to us. We found that it met the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and of outstanding significance for the study of the development of Guardi, Venetian view painting and the study of Grand Tour patronage and taste. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £26,697,250 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further six 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 3

## A North Italian empire athénienne by Luigi Manfredini

The athénienne consists of a base and tripod stand made of lapis lazuli and ormolu and a removable silver-gilt basin and is 81cm high; 42cm wide; diameter of bowl 37cm. It was designed by Luigi Manfredini (1771-1840) and was made by Luigi and his brothers Antonio, Francesco and Giuseppe Manfredini in 1813 at their foundry at the Manifattura della Fontana, Milan. The centre of the circular silver-gilt basin is decorated with a medallion relief of 'Neptune and Amphitrite' within a ribbon-tied floral wreath. Inner and outer borders of grotesques are mounted with circular and oval relief medallions of gods and goddesses. It is inscribed beneath the rim of the basin, 'Inventato e Esequito dai Fratelli Manfredini Alla Regia Manifat: della Fontana Milano Anno 1813'. The tripod stand comprises three female lion monopodia joined by foliate stretchers with a central leaf-wrapped finial. The stand supports a

frieze of lapis lazuli with applied draped ox skulls linked by foliate festoons.

The applicant had applied to export the athénienne to France. The value shown on the export licence application was £632,940 which represented the hammer price at auction plus buyer's premium and VAT on the buyer's premium.

The Deputy Keeper of Sculpture, Metalwork, Ceramics and Glass at the V&A, acting as expert adviser, had objected to the export of the athénienne under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and of outstanding significance for the study of the influence of the classical past on the decorative arts.

The expert adviser had provided a written submission stating that Luigi Manfredini was the leading Italian medallist of the first half of the 19th century. He was appointed Professor dell'Arte della Medaglia at the Brera Accademia di Belle Arte in 1801 and became head engraver at the Milan Mint in 1808. He produced numerous medals for the Emperor Napoleon including one celebrating the Emperor's second marriage to Marie Louise of Austria. In 1807 he established, with his brothers, a foundry under the protection of the Viceroy Eugène de Beauharnais where they produced busts, reductions of sculptures by Canova and decorative pieces of furniture. The athénienne was probably given by the Viceroy Eugène de Beauharnais to the Empress Marie-Louise or another member of the Imperial family, perhaps as part of a toilet-service. In 1928, in Paris, it was acquired by Lois Sturt (1900-37), a British aristocratic filmstar and later acquired from her by her brother Lord Alington who lived at Crichel, Dorset. It was then inherited by his daughter the Hon. Mrs. Marten who lent it to the V&A from 1957-72 and to the exhibition *The Age of Neo-classicism*, The Royal Academy and the V&A, 1972.

The expert adviser informed us that the athénienne was outstanding in terms of its design, proportion and technique. In terms of technique, the tripod was of exceptionally finely worked ormolu, combined with very high quality deep blue lapis lazuli. The silver-gilt basin was similarly characterised by exceptionally fine casting and finishing. The meticulous detail of its decoration was particularly striking. The athénienne was one of only four known examples and the only other known autograph version of the 1811 tripod and basin (Hofburg Schatzkammer Collection, Vienna) was presented by the City of Milan to the Emperor Napoleon on the birth of his son, the Roi du Rome. The metal components of both these athéniennes were cast from

the same moulds but with slight differences in the distribution of ornament. The depiction of classical imagery reinforced the interpretation that both examples had a secular function and were used as washbasins.

The design of the present athénienne was the most accurate adaptation of the iconic original antique tripod; an object of exceptional and intricate quality and workmanship, excavated at Herculaneum on 18 July 1748. The antique prototype was cast in bronze and embellished with silver inlay; the enduring qualities of its design and these materials ensured its survival for almost two millennia. The prototype has inspired works by numerous designers including the most influential British architect of the time, Robert Adam (1728-92), who recorded it in a drawing in 1757, Percier (1764-1838) and Fontaine (1762-1853), Pierre La Mésangère (1761-1831) and Thomas Hope (1769-1831).

The expert adviser said that the athénienne was a very rare, documented, iconic example of the classical revival favoured by Napoleon and was typical of decorative art of the French Empire, a taste echoed in Regency Britain. From Robert Adam's drawing of 1755 to its acquisition by Lois Sturt in the 1920s, the athénienne represented the long standing British taste for classical revival. Furthermore, this work by the Manfredini brothers threw new light on the sophisticated manufacture and promotion of luxury metalwork in early 19th century Italy and was important for the study of ormolu, which was a relatively new and rather problematic area, primarily because of the lack of signed and documented pieces.

The applicant disagreed that the athénienne met the Waverley criteria. They stated in a written submission that it was acquired in Paris in 1928 and was only subsequently brought to the United Kingdom. It was not made by, commissioned by, or presented to a person of British nationality, nor at any time closely associated with British History or national life. They did not believe the athénienne to be of outstanding aesthetic importance and argued that there were already sufficient related items in British collections that met this criterion. Similarly, the great number of gilt-bronze and silver-gilt items by the most important late 18th and early 19th century craftsmen – both British and Continental European – already in UK collections provided ample sources for the study of these areas.

We heard this case in October 2011 when the athénienne 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 £632,940 (inclusive of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the athénienne, 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 athénienne by a UK institution. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the institution was unable to raise the funds to purchase the athénienne and an export licence was therefore issued.

## Case 4

### A pair of Italian console tables

This pair of Italian ivory, stained horn and pewter-inlaid ebony, rosewood, walnut, fruitwood and marquetry console tables, each measure 90cm high, 171.5cm wide, and 87cm deep. The marquetry tops are signed by Lucio de Lucci (fl 1680-1700) and the stained boxwood bases are attributed to Andrea Brustolon (1662-1732). The tables appear to have been made to celebrate the Venetian conquest of the Morea, or Greek Peloponnese, between 1685-1688. The scenes depicted relate to warfare between the Venetians and the Turks. The subjects are, on the first table, an architectural perspective in the manner of Hans Vredeman de Vries and, on the second table, a galley containing men firing guns, sailing away from a port city. The lower scenes on each table depict a mounted stag hunt while the remaining four scenes depict mounted warfare, one, on the second table, include a fortress defended by a cannon. Some of the figures wear turbans and fight with scimitars while one carries a flag bearing three crescents. The figure in the top right corner of the first table and the top left of the second carry scrolls inscribed 'LVICIO D'LVCCI FECE'. The figures in the other two top corners are smoking long pipes.

The applicant had applied for a licence to export the tables to the USA. The value shown on the export licence application was £713,250 which represented the hammer price at auction plus the buyer's premium.

The Senior Curator of Applied Art & Design at the National Museums Scotland, acting as expert adviser, had objected to the export of the tables under the second and third Waverley criteria on the grounds that they were of outstanding aesthetic importance and outstanding importance for the study of Italian baroque furniture.

The expert adviser had provided a written submission stating that the tables were exceptionally grand examples of the very finest workmanship in two media: marquetry and wood-carving. The tables originally formed part of a group of six tables by Lucio and Antonio de Lucci depicting events in the re-conquest of Eastern European territory from the Turkish Empire. Only the pair under discussion appeared to have retained the original bases. The relationship between Antonio and Luccio de Lucci was not known nor was the exact relationship between these works and the original circumstances of their commission. However, it was possible that the tables were made for the commander of the Venetian forces during the Morean War, Doge Francesco Morosini (1619-94). The present pair were presumed to have been sold to the 5th Duke of Buccleuch during the 1830s by Edward Holmes Baldock, a major importer and dealer in this period. The 8th Duke of Buccleuch sold the tables in 1971 shortly before he died.

The console tables successfully combined two distinct techniques of sculpted structure with pictorial marquetry. The survival in the UK of these two elements together was rare. The physical impression of constant and vigorous movement in the bases complemented the writhing acanthus and heterogeneous detail of the marquetry. The level of precision in the marquetry, the quality of the figure drawing, the invention, use of colour, and balance of composition were all superb for this medium. The bases were also unusually magnificent, exhibiting mastery of the material and a relative subtlety of expression for such an exuberant form of object.

The expert adviser said that Italian furniture had never been a common focus of study in the UK in spite of the fact that it was well-regarded and collected in Britain during the 19th century. Furthermore, the study of Venetian furniture had not been as fully researched as that of Rome or Florence (or Milan for a later period). The De Luccis' workshops were undoubtedly important and had not been adequately researched. The attribution to Brustolon, one of the greatest woodcarvers of the period, was far from proven, yet Brustolon was certainly a candidate. He was apprenticed in Venice in 1667 and visited Rome in around 1680. His famous suite of armchairs, torchères and stands for Pietro Venier (now in the Ca' Rezzonico museum) was created between 1690 and 1700. Essentially a sculptor in wood, working primarily on devotional and memorial projects, his recorded furniture is spectacularly distinct

from prevailing models. It was only reasonable to assume, however, that a young carver might work across the boundaries of sculpture and furniture.

Italian baroque furniture was not abundantly represented in British collections and these tables could greatly enhance the study and appreciation of Italian baroque furniture in the UK.

The applicant did not contest that the Waverley criteria applied.

We heard this case in October 2011 when the tables were shown to us. We found that they met the second and third Waverley criteria on the grounds that they were of outstanding aesthetic importance and outstanding significance for the study of 17th century furniture and the history of taste and collecting in 19th century Britain. They were given a starred rating meaning every possible effort should be made to raise enough money to keep them 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 £735,900 (inclusive of VAT). This represented the hammer price at auction plus the buyer's premium and VAT on the buyer's premium. 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 tables, 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 tables by the V&A and the National Museums Scotland (NMS). A decision on the export licence application was deferred for a further four months. We were subsequently informed that the V&A had purchased one table with the support of The Friends of the V&A, the Art Fund and The Horn Bequest, and the NMS had purchased the other table with the support of the Art Fund, the HLF and the National Museums Scotland Charitable Trust.

## Case 5

### A sculpture by John Nost the Elder, *The Crouching Venus*

This sculpture by John Nost the Elder (active 1680s – d. 1710) is made of marble and is signed and dated on the front of the integral base: 'I Nost f 1702'. The overall height, including the original panelled marble plinth with black marble base, measures 237cm, the statue measures 122cm. It depicts the nude goddess Venus crouching, wearing a Hellenistic type armlet and a plain strap diadem in her hair, her hair partly coiled in a bun at the back of her head, her arms crossed in front of her breasts, her head turned to her right.

The applicant had applied to export the sculpture to the USA. The value shown on the export licence application was £485,000, which represented an estimated price.

The Keeper of Sculpture, Metalwork, Ceramics and Glass and the Senior Curator of Sculpture at the V&A, acting as expert adviser, had objected to the export of the sculpture 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 18th century sculpture.

The expert had provided a written submission stating that John Nost the Elder was an exceptional sculptor, about whom relatively little was known and whose documented works were comparatively rare. He came to Britain from Malines (Mechelen) and worked in London alongside the Netherlandish sculptor Arnold Quellin in the 1680s. He was the leading member of a sculptural dynasty and had a seminal influence on British sculpture of the 18th century. He combined traditions that derived from 17th century Netherlandish sculpture with classical forms that ultimately stemmed from Rome.

The expert adviser stated that the sculpture was a remarkable instance of John Nost the Elder's assured carving of marble and was a rare surviving example of a classical subject by the artist in marble. The sculpture was an extraordinarily early British example of a monumental freestanding sculpture of a mythological subject, carved in a classical style, some years before the Grand Tour became fashionable. The figure was after an antique prototype of *The Crouching Venus* of which several versions were known, in the Uffizi, the Louvre, the Museo Nazionale in Rome, and elsewhere. One version dating from the 2nd century AD, in the Royal Collection, and now on long-term loan to the British Museum, may well have been the model on which this early 18th century sculpture was based.

The classical work in the Royal Collection was almost certainly presented to Charles II by Sir Peter Lely, who had bought it at the sale of Charles I's goods. It was therefore extremely likely to have been known by Nost, who had numerous patrons at court.

The present sculpture gave a glimpse of the sophisticated level of patronage of the wealthy gentry in Britain at the start of the 18th century. Furthermore, it suggested the way in which the interiors of country houses were adorned with sculpture. Nost had probably been commissioned to make *The Crouching Venus* by the statesman and lawyer Andrew Archer (1659-1741) for the entrance hall of Umberslade Hall, Warwickshire. It was apparently originally paired with a statue of Apollo, perhaps a version of the Apollo Belvedere, now lost. Although no documentation of the original commission survived, *The Crouching Venus* was thought to have remained at Umberslade Hall throughout the 18th century and is first recorded at Umberslade in 1815. In 1858 Umberslade was sold to the Muntz family. They re-modelled the sculpture in the 19th century, and its position in the new entrance hall was therefore a later placement.

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

We heard this case in October 2011 when the sculpture 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 English 18th century sculpture. We recommended that the decision of 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 £485,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the sculpture, 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 sculpture by the V&A. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the sculpture had been purchased by the V&A with the assistance of The Hugh Phillips Bequest to the V&A.

## Case 6

### A painting by Edouard Manet, *Portrait of Mademoiselle Claus*

This painting by Edouard Manet (1832-83) is oil on canvas and measures 111cm by 70cm. The painting, which dates from 1868, depicts Mademoiselle Claus, a friend of the artist, seated on a balcony.

The applicant had applied to export the painting to Switzerland. The value shown on the export licence application was £28,350,000, which represented the agreed sale price.

The Director and the Curator of Post-1800 Painting at the National Gallery acting as expert advisers, had objected to the export of the painting under the first and second 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 aesthetic importance.

The expert adviser had provided a written submission stating that the painting, *Portrait of Mademoiselle Claus*, was a study for a famous canvas entitled *The Balcony* (Paris, Musée d'Orsay) painted by Manet in 1868-69. *The Balcony* was one of Manet's most controversial masterpieces and a landmark in the emergence of a kind of modern painting that mixed genres and played freely with art historical reference and allusion. Manet found inspiration for *The Balcony* in 1868 whilst looking at a group of people on a balcony in Boulogne-sur-Mer, on the northern coast of France. On his return to Paris he started work on a composition based on that chance encounter, focusing on three sitters who were personal friends of the artist: Fanny Claus (1846-69), a young violinist; Antoine Guillemet (1842-1918), a painter with strong links to the Impressionists; and Berthe Morisot (1841-95) a painter and who later became Manet's sister-in-law. It had been said that the arrangement of the figures in *The Balcony* was somewhat artificial, as was often the case in Manet's work; each sitter appears frozen, enigmatic and isolated. In fact, the painter had had the sitters sit for him separately, each one posing alone in his studio for hours on end.

The expert adviser stated that the present painting must lie near the beginning of the development of the composition for *The Balcony*. In the present work Mademoiselle Claus sits in the chair which later in *The Balcony* is occupied by Berthe Morisot. On the right another female figure appears, cropped, possibly holding the bow of a violin. Mademoiselle Claus, identifiable by her flower headpiece, would occupy this standing position in *The Balcony*. Manet probably borrowed the seated pose from Goya's print, *Majas on a Balcony*. With its cropped composition and rough, improvisatory brushwork, the present painting had the immediacy of a snapshot; however, the structure of the composition, established by the balcony railing, chair legs and shutter, was carefully delineated. The audacious colours of the final work, including a scintillating range of greens, were already present in the *Portrait of Mademoiselle Claus*.

Manet kept the present work up until his death in 1883. At the artist's posthumous sale in February 1884 the painting was acquired by the painter John Singer Sargent (1856-1925) who brought it to the UK immediately afterwards where it has remained ever since. Given this remarkable provenance the painting told the story of artistic affinities between two great modern masters. The expert noted that although Sargent was an American by birth he was accepted, at least in the UK, as part of the British School and his work hung primarily at Tate Britain. Sargent had shown enthusiasm for Manet's art throughout his career and shared a predilection for daring compositions and bravura handling of paint. It was telling that Sargent chose to acquire a portrait – moreover an unfinished one revealing the artist's working processes – by the modern French master.

The expert adviser stated that although the country was relatively rich in paintings by Manet, he was an artist for whom each picture added significantly to our collective understanding of the complexity of his art and of the artist's centrality to the development of modern painting. This unfinished work offered crucial evidence of the ways in which Manet went about planning and laying in his compositions and the development of one of his most significant compositions.

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

We heard this case in November 2011 when the painting was shown to us. We found that it met the second and third Waverley criteria on the grounds of outstanding significance for the study of French painting of the second half of the 19th century and in particular for the work of Manet, one of the leading Impressionist painters of the period. 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 £28,350,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise the funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further six months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by the Ashmolean Museum. A decision on the export licence application was deferred for a further six months. We were subsequently informed that the painting had been purchased by the Ashmolean Museum with assistance from the HLF and the Art Fund.

## Case 7

### Benjamin Britten's complete draft score of *The Young Person's Guide to the Orchestra*

This manuscript is a composition draft in short score of *The Young Person's Guide to the Orchestra*, one of the most famous compositions of Benjamin Britten (1913-76). It is written in pencil on 15 leaves of paper measuring 37cm by 27cm; the draft score is the earlier of two manuscripts of this work and was completed on 31 December 1945.

The applicant had applied to export the manuscript to the USA. The value shown on the export licence application was £220,000, which represented the hammer price at auction plus buyer's premium and the agent's commission.

The Curator of Music Manuscripts at the British Library, acting as expert adviser, had objected to the export of the manuscript under the first and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune and that it was of outstanding significance for the study of music, since it provided a great deal of information about the process of composition of one of the most famous and familiar pieces of music to have been written by a British composer since the Second World War.

The expert adviser had provided a written submission stating that the manuscript was probably Britten's most widely known composition, whether through the film *Instruments of the Orchestra* for which it was originally commissioned or through the concert piece which remained very frequently performed to this day. It could reasonably be argued that *The Young Person's Guide* was the principal means by which many generations of British schoolchildren in the last 65 years had learned about the instruments of the orchestra.

The expert adviser stated that in February 1945 Britten was commissioned by the Crown Film Unit to write the music for a short film with spoken commentary about the orchestra and its instruments, as part of a series made by the Central Office of Information for the Ministry of Education. Britten answered the request for a simple didactic piece with a highly sophisticated set of variations and fugue on a theme by his great English precursor Henry Purcell. The film and music were recorded separately between March and June 1946, and the film was released in November. The orchestral full score was published in 1947. Together with Prokofiev's *Peter and the Wolf*, Britten's work must surely be the most successful and widely known introduction to the orchestra. The expert stated that the phrase 'young person's guide' which Britten coined had entered common parlance in a wide variety of contexts. The piece also played an important part in the efforts of Britten and others to reacquaint the British public with the music of Henry Purcell.

The manuscript was given away by the composer and remained completely unknown until publication of the catalogue of Sotheby's sale of 30 November 2011. The manuscript full score of this work was sold at a charity auction in 1961 and was now in the Beinecke Rare Book Library, Yale University.

The expert adviser informed us that no earlier sketches for the *Young Person's Guide* were known to survive, and it appeared that Britten composed this piece directly into the present draft score. The manuscript revealed very directly the astonishing fluency with which Britten was able to construct a large-scale work. The only substantial erasures were revisions to the passages accompanying the commentary text. These were of particular interest because the draft of the commentary which Britten wrote in this score differed substantially from that in the manuscript full score now at Yale, as well as the spoken text in the soundtrack to the film (credited to Montagu Slater) and the text printed in the published score (credited to Eric Crozier). The manuscript displayed a vivid contrast between Britten's fluency as a composer and his struggle to formulate suitable phrases for the narrator. There were therefore many new avenues of research which the discovery of this important manuscript would enable to be explored.

The applicant disagreed that the manuscript met the Waverley Criteria. They had stated in a written submission that neither the first or second Waverley criteria applied in this case: in the context of the first criterion, specifically, it was the music itself rather than the score that was of relevance. In relation to third criterion they stated that one would only observe that it was understood that the successful bidder would provide high quality digital images of the manuscript. In addition they pointed out that the complete finished score of the work was at Yale University as part of the Osborn Collection in the Beinecke Library.

We heard this case in February 2012 when the manuscript was shown to us. We found that it met the first and third Waverley criteria on the grounds that the manuscript was of outstanding significance for the study of British music as well as the work of one of the most important 20th century composers as it demonstrated the sophistication of Britten's musical mind as he fluently sketched out the entire complex composition. 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 £220,000. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the manuscript, the deferral period should be extended by a further four months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the manuscript by the British Library. We were subsequently informed that the manuscript had been purchased by the British Library.

## Case 8

### **An Elizabethan miniature by Isaac Oliver, Henry Wriothesley, 3rd Earl of Southampton**

On 4 April 2012 the Reviewing Committee considered an application to export an Elizabethan miniature by Isaac Oliver, *Henry Wriothesley, 3rd Earl of Southampton*. The Committee concluded that the miniature satisfied both the second and third Waverley criteria. The application for an export licence was withdrawn the following day. Consequently, no decision on the application has been made by the Secretary of State.

## Case 9 and 10

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### **An albumen print, *The Beggar Maid* and a glass negative, *Alice Liddell Wearing a Garland* by Charles Lutwidge Dodgson, pseudonym 'Lewis Carroll'.**

On 7 September 2011 the Reviewing Committee considered an application to export an albumen print, *The Beggar Maid* and a glass negative, *Alice Liddell Wearing a Garland* by Charles Lutwidge Dodgson, pseudonym 'Lewis Carroll'.

#### **An albumen print, *The Beggar Maid***

The Committee concluded that the albumen print satisfied the first, second and third Waverley criteria and was given a starred rating meaning every possible effort should be made to raise enough money to keep it in the country.

#### **A glass negative, *Alice Liddell Wearing a Garland***

The Committee concluded that the glass negative satisfied the second and third Waverley criteria and was given a starred rating meaning every possible effort should be made to raise enough money to keep it in the country.

The application for an export licence was subsequently withdrawn. Consequently, no decision on the application has been made by the Secretary of State.

Export of Objects  
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# Plates

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**Plate II** *Venice: A View of the Rialto Bridge from the Fondamenta del Carbon* by Francesco Guardi









**Plate VI** *Portrait of Mademoiselle Claus*  
by Edouard Manet



Plate VII Benjamin Britten's complete draft score of  
*The Young Person's Guide to the Orchestra*

This image shows a page of handwritten musical notation for Benjamin Britten's 'The Young Person's Guide to the Orchestra'. The score is written on aged, yellowed paper and consists of several systems of staves. The instruments represented include woodwinds (flute, oboe, bassoon, clarinet), strings (violin, viola, cello, double bass), and brass (trumpet, trombone, tuba). The notation is dense and includes various musical symbols such as notes, rests, beams, and dynamic markings. Key markings include 'pp' (pianissimo), 'f' (forte), and 'cresc.' (crescendo). There are also some handwritten annotations and corrections throughout the score, such as 'd. m' and 'gill' at the top right, and 'Scale down plus' at the bottom left. The overall appearance is that of a working draft or sketch of the final score.

Export of Objects  
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# Appendices

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# Appendix A

## History of export controls in the UK

The reasons for controlling the export of what are now known as cultural goods were first recognised in the UK at the end of the 19th and beginning of the 20th centuries. Private collections in the United Kingdom had become the prey of American and German collectors and it was apparent that many were being depleted and important works of art sold abroad at prices in excess of anything that UK public collections or private buyers could afford. It was against this background 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 116/2009 on the export of cultural goods. The control is enforced by HM Revenue and Customs on behalf of DCMS. If an item within the scope of the legislation is exported without an appropriate licence, the exporter and any other party concerned with the unlicensed export of the object concerned may be subject to penalties, including criminal prosecution, under the Customs and Excise Management Act 1979.

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

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

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

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

The Committee is a non-statutory independent body whose role is to advise the Secretary of State whether a cultural object which is the subject of an application for an export licence is of national importance under the Waverley criteria (so named after Viscount Waverley), which were spelt out in the conclusions of the Waverley

Report. The Committee consists of eight full members, appointed by the Secretary of State for Culture, Media and Sport, seven of whom have particular expertise in one or more relevant fields (paintings, furniture, manuscripts etc), and a Chairman. A list of members during the year covered by this report is at the front of this report and brief details of members are included at Appendix C.

### The Waverley criteria

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

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

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

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

A meeting is held at which both the expert adviser and the applicant submit a case and can question the other party. The permanent committee members are joined for each 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 the 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), Manet's *Portrait of Mademoiselle Claus* (2012) 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 circa 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); a pair of Italian console tables with marquetry tops by Lucio de Lucci and the bases attributed to Andrea Brustolon; silver – a Charles II two-handled silver porringer and cover, circa 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 shortlist 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), the *Jenkins* or 'Barberini' *Venus* (2003) and *Ordination* by Nicolas Poussin (2011) 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 on 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 2011/12

### Lord Inglewood (Chairman)

Lord Inglewood, previously Richard Vane, has been called to the Bar and is also a Chartered Surveyor. Between 1989-94 and 1999-2004 he was Conservative Spokesman on Legal Affairs in the European Parliament. He has chaired the Development Control Committee of the Lake District Planning Board and is Chairman of Cumbrian Newspaper Group and of Carr's Milling Industries plc. He was Parliamentary Under Secretary of State in the Department of National Heritage 1995-97. In 1999 he was elected an hereditary member of the House of Lords, and a fellow of the Society of Antiquaries (FSA) in 2003. He owns and lives at Hutton-in-the-Forest, his family's historic house in Cumbria.

**Appointed 1 December 2003;  
appointment expires 30 November 2013**

### Professor David Ekserdjian

Professor of the History of Art and Film, University of Leicester. He is an expert on Italian renaissance paintings and drawings and the author of *Correggio* (1997) and *Parmigianino* (2006). Formerly a Fellow of Balliol College Oxford (1983-86) and Corpus Christi College Oxford (1987-91), he worked in the Old Master Paintings and Master Drawings departments at Christie's in London from 1991 to 1997, and, in addition, from 1992 was Head of European Sculpture and Works of Art Department there. He was editor of *Apollo* magazine 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 2006 he became a Trustee of the National Gallery, and since 2008 he has been the National Gallery's Liaison Trustee on the Tate Board.

**Appointed 14 November 2002;  
appointment expires 13 November 2012**

### Philippa Glanville

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

**Appointed 2 April 2010;  
appointment expires 1 April 2014**

### Johnny Van Haeften (Until 2 June 2011)

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

**Appointed 28 June 2001;  
appointment expired 2 June 2011**

## Simon Swynfen Jervis

Currently a Director and Trustee of the Burlington Magazine, Chairman of the Furniture History Society, Chairman of the Walpole Society and Chairman of the Leche Trust. He previously held the posts of Acting Keeper and then Curator of the Department of Furniture at the V&A, before becoming Director of the Fitzwilliam Museum, Cambridge (1989-95). He then served as Director of Historic Buildings at the National Trust (1995-2002). He is also an Honorary Vice President of the Society of Antiquaries of London, a Life Trustee and currently Chairman of the Trustees of Sir John Soane's Museum, and a member of the Advisory Council of the Art Fund.

**Appointed 10 April 2007;  
appointment expires 9 April 2014**

## Dr Catherine Johns

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

**Appointed 19 February 2003;  
appointment expires 18 February 2013**

## Aidan Weston-Lewis

Aidan Weston-Lewis has worked at the National Gallery of Scotland since 1992, where he is Chief Curator, with responsibility for the Italian and Spanish collections. Before that he was Assistant Librarian at the Witt Photographic Library at the Courtauld Institute in London. He has organised a series of major exhibitions and has published widely in his area of specialism, particularly on North Italian painting and drawing of the 16th and 17th centuries. In 2005 he received from the Italian Republic the honour of Cavaliere dell'Ordine della Stella della Solidarietà Italiana in recognition of his contribution to the study of Italian art.

**Appointed 10 May 2011;  
appointment expires 9 May 2015**

## Lowell Libson

Lowell Libson is an art dealer and Managing Director and Proprietor of Lowell Libson Ltd which specialises in British paintings, watercolours and drawings of the 16th to 20th centuries. His specialist area of expertise is the art market and British works of the 17th to 20th centuries.

**Appointed 3 June 2011;  
appointment expires 2 June 2015**

## Dr Christopher Wright

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

**Appointed 20 November 2006;  
appointment expires 19 November 2014**

# Appendix D

## List of independent assessors who attended meetings during 2011/12

<b>William Agnew</b> , Director, W. Agnew & Company Ltd	Case 5
<b>Paul Banks</b> , Professor of Historical Musicology, Royal College of Music	Case 7
<b>Martin Barnes</b> , Senior Curator, Photographs, Word & Image Department, Victoria and Albert Museum	Case 9 and 10
<b>Charles Beddington</b> , Director, Charles Beddington Ltd, London	Case 2
<b>Michael Berkeley</b> , Composer	Case 7
<b>Dr Hugh Brigstocke</b> , Editor, The Walpole Society	Case 2
<b>Zelda Cheatle</b> , Portfolio Manager and Curator, Tosca Photography Fund	Case 9 and 10
<b>Wendy Cruise</b> , Director, Bernard Quaritch Ltd	Case 7
<b>Stephen Duffy</b> , Exhibitions Curator, Curator of 19th century Pictures and Frames, The Wallace Collection	Case 6
<b>Adrian Eeles</b> , Dealer, Salamander Fine Arts, London	Case 1
<b>Jonathan Harris</b> , Independent Adviser	Case 4
<b>Colin Harrison</b> , Assistant Keeper, Ashmolean Museum	Case 6
<b>Alastair Laing</b> , Adviser on Pictures & Sculptures, The National Trust	Case 1, 2, 8
<b>Dr Stephen Lloyd</b> , Independent Consultant	Case 8
<b>James Lomax</b> , Former Senior Curator, Temple Newsam House, Leeds Museums and Galleries	Case 3
<b>Jonathan Marsden, LVO</b> , Director of the Royal Collection and Surveyor of The Queen's Works of Art	Case 4
<b>Christopher Rowell</b> , Furniture Curator, The National Trust	Case 4
<b>Emma Rutherford</b> , Independent Consultant & Portrait Miniatures Consultant, Philip Mould	Case 8
<b>Timothy Stevens</b> , Former Director of The Gilbert Collection Trust (retired)	Case 3 and 5
<b>Lindsey Stewart</b> , Consultant Specialist in Photographs, Bernard Quaritch Ltd	Case 9 and 10
<b>Michel Strauss</b> , Independent Consultant	Case 6
<b>Dino Tomasso</b> , Dealer, Tomasso Brothers Fine Art, Leeds	Case 5
<b>Dr Jon Whiteley</b> , Senior Assistant Curator, Department of Western Art, The Ashmolean Museum	Case 1

# Appendix E

## Value of items placed under deferral (2002/03 to 2011/12) i) for which permanent licences were issued and ii) where items were purchased by UK institutions or individuals.

(1) Year	(2) Value of items where a decision on the licence application was deferred (£m)	(3) Value (at deferral) of cases in (2) where items were licensed for permanent export (£m)	(4) Value of items in (3) as % of (2)	(5) Value of items in (2) that were not licensed for export (£m)	(6) Value (at deferral) of cases in (2) where items were purchased by UK institutions or individuals <sup>1</sup> (£m)	(7) Value of items in (6) as % of (2)
2002/03	74.9	23.2	31	51.7 <sup>2</sup>	39.2	52
July 2003/ April 2004	7.7	1.0	13	6.8	6.8	88
2004/05	46.4	30.2	65	16.2 <sup>3</sup>	5.8	13
2005/06	15.6	7.3	47	8.3	8.3	53
2006/07	24.5	10.7 <sup>4</sup>	44	11.8	7.0	29
2007/08	15.3	12.8	84	2.5	1.4	9
2008/09	15.7	14.2	90	1.5	1.5	10
2009/10	71.5	60.8	85	10.7 <sup>5</sup>	10.1	14
2010/11	71.7	65.8	92	5.9 <sup>6</sup>	3.8	5
2011/12	74.6	44.8	60	29.8	29.8	40
<b>Totals</b>	<b>417.9</b>	<b>270.8</b>	<b>65</b>	<b>145.2</b>	<b>113.7</b>	<b>27</b>

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

<sup>2</sup> Includes value of two cases (£12,543,019.38) where a matching offer was refused and the Secretary of State therefore refused an export licence.

<sup>3</sup> Includes value of five cases (£10,422,776) where the application was withdrawn during the deferral period.

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

<sup>5</sup> Includes value of one case (£554,937.50) where the application was withdrawn during the deferral period.

<sup>6</sup> Includes value of one case (£389,600) where a matching offer was refused and the Secretary of State therefore refused an export licence and value of two cases (£1,645,868) where the application was withdrawn during the deferral period.

# Appendix F

## Items licensed for export after reference to expert advisers for advice as to national importance

Category	Advising authority	No of Items	Total value (£)
Arms and armour	Royal Armouries, Leeds, Associate Director	37	2,093,592
Books, maps etc	British Library, Keeper of Printed Books, Head of Map Collections	1,816	12,311,171
Books (natural history)	Royal Botanic Gardens, Kew, Head of Library and Archives	44	8,540,330
Clocks and watches	British Museum, Keeper of Clocks and Watches	40	6,796,940
Coins and medals	British Museum, Keeper of Coins and Medals	242	4,837,623
Drawings: architectural, engineering and scientific	Victoria and Albert Museum, Keeper of Word & Image Department	13	3,421,890
Drawings, prints, water-colours	British Museum, Keeper of Prints and Drawings	268	155,349,521
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	284	12,160,020
Ethnography	British Museum, Keeper of Ethnography	9	9,242,566
Furniture and woodwork	Victoria and Albert Museum, Keeper of Furniture and Textiles & Fashion Department	95	20,029,362
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	12	4,433,222
Indian furniture	Victoria and Albert Museum, Senior Curator of Asian Department, South & South East Asian Collection	40	5,572,955
Japanese antiquities	British Museum, Department of Asia	9	1,278,780
Manuscripts, documents and archives	British Library, Curator, Department of Manuscripts	7,931	152,643,983
Maritime material, including paintings	National Maritime Museum, Director of Collections	91	91,209
Middle East antiquities	British Museum, Keeper of Middle East Antiquities	49	9,022,125
Musical Instruments	Royal College of Music	32	15,013,268
Oriental antiquities (except Japanese)	British Museum, Department of Asia	276	50,559,975
Oriental furniture, porcelain and works of art	Victoria and Albert Museum, Senior Curator of Asian Department, Chinese Collection	149	46,618,203
Paintings, British, modern	Tate Gallery	348	687,746,021
Paintings, foreign	National Gallery, Director	156	300,759,031
Paintings, miniature	Victoria and Albert Museum, Senior Curator of Painting Section, Word & Image Department	1	235,000
Paintings, portraits of British persons	National Portrait Gallery, Director	193	158,560,212
Photographs	National Media Museum, Head	1,378	8,671,367
Pottery	Victoria and Albert Museum, Head of Ceramics & Glass Department	15	4,200,690

<b>Cont. Category</b>	<b>Advising authority</b>	<b>No of Items</b>	<b>Total value (£)</b>
Prehistory & Europe (inc. Archaeological material, Medieval and later antiquities & Metal Detecting Finds)	British Museum, Keeper of Prehistory & Europe Department of Portable Antiquities & Treasure (Metal Detecting Finds)	19,320	119,754,782
Scientific and mechanical material	Science Museum, Head of Collections	13	3,102,809
Sculpture	Victoria and Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department Tate Gallery (20th Century Sculpture)	108	62,754,525
Silver and weapons, Scottish	National Museum of Scotland, Director	0	–
Silver, metalwork and jewellery	Victoria and Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department	202	61,958,719
Tapestries, carpets (and textiles)	Victoria and Albert Museum, Senior Curator of Furniture, Textiles & Fashion Department	16	6,667,325
Toys	Bethnal Green Museum of Childhood, Head	0	–
Transport	Heritage Motor Centre	37	26,584,564
Wallpaper	Victoria and Albert Museum, Senior Curator of Prints Section, Word & Image Department	0	–
Western Asiatic antiquities	British Museum, Keeper of Ethnography	12	9,103,731
Zoology (stuffed specimens)	Natural History Museum, Director of Science	0	-
<b>Totals</b>		<b>33,236</b>	<b>1,970,115,511</b>

# Appendix G

## Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, 2002/03 to 2011/12

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 V&A Purchase Grant Fund	Support by V&A Purchase Grant Fund (£)
2002/03	9	23,191,548	12	26,173,106	7	14,283,115	9	905,184	1	30,000
July 2003/ April 2004	2	1,000,000	5	2,237,604	1	110,000	2	79,000	1	40,000
2004/05	10	30,193,090	10	5,825,135	4	2,577,000	4	975,000	1	3,500
2005/06	8	7,285,012	9	8,278,510	4	855,200	5	308,330	3	32,330
2006/07	5 <sup>1</sup>	10,709,778	12	7,009,075	4	1,944,032	3	700,275	2	40,000
2007/08	7	12,770,031	8	1,431,256	6	471,986	6	248,750	2	50,000
2008/09	7	14,186,010	9	1,521,684	2	378,000	4	329,292	3	118,500
2009/10	6	60,813,750	6	10,119,674	2	186,000	3	245,100	1	17,000
2010/11	7	65,837,016	4	3,752,918	3	2,410,000	4	470,000	1	20,000
2011/12	3	44,830,190	4	9,252,560	2	6,025,000	2	1,100,000	0	0

### 2011/12 (detail) – Acquisitions

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by The Art Fund (£)
2011/12	A pair of Italian console tables	One table each to the V&A and National Museums Scotland	735,900 (367,950 per table)	125,000	250,000
2011/12	A sculpture by John Nost the Elder, <i>The Crouching Venus</i>	V&A	485,000	0	0
2011/12	A painting by Edouard Manet, <i>Portrait of Mademoiselle Claus</i>	Ashmolean Museum	7,830,000 (tax remission)	5,900,000	850,000
2011/12	Benjamin Britten's complete draft score of <i>The Young Person's Guide to the Orchestra</i>	The British Library	201,660 (tax remission)	0	0

<sup>1</sup> Includes one item where the licence was issued following receipt of satisfactory proof that it had been imported into the UK within the last 50 years.

# Appendix H

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

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

# Appendix J

## Further reading

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

Export Licensing for Cultural Goods: Procedures and Guidance for Exporters of Works of Art and other Cultural Goods (Arts Council England, 2011)

Export Control Act 2002 (HMSO)

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

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

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

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

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

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

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

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

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

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

# Appendix K

## Membership of the Working Party on Manuscripts, Documents and Archives during 2011/12

Dr Christopher Wright, Chairman

Peter Rowlands, Secretary Reviewing Committee, Acquisitions, Exports, Loans and Collections Unit, Arts Council England

Julia Brettell, V&A Purchase Grant Fund

Paula Brikci, PRISM Grant Fund Manager, Acquisitions, Exports, Loans and Collections Unit, Arts Council England

Norman James, The National Archives

Nick Kingsley, The National Archives

Mark Caldon, Cultural Property Unit, DCMS

David Park, Bonhams

Julian Rota, Antiquarian Booksellers Association,

Anastasia Tennant, Policy Adviser, Acquisitions, Exports, Loans and Collections Unit, Arts Council England

John Wilson, John Wilson Manuscripts Limited

Margaret O'Sullivan, Former County Archivist, Derbyshire Record Office

Sam Johnston, County Archivist, Dorset History Centre

William Frame, British Library

Fiona Talbott, Head of Museums, Libraries and Archives, Heritage Lottery Fund (Observer)



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