



Department
for Culture
Media & Sport

Export of Objects of Cultural Interest

2013/14



ARTS COUNCIL
ENGLAND

Export of Objects of Cultural Interest

2013/14

1 May 2013 to 30 April 2014

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



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Department
for Culture
Media & Sport

Export of Objects of Cultural Interest

2013/14

1 May 2013 to 30 April 2014

- 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

Secretary of State's foreword to the annual report of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest 2013/14

I am pleased to lay before Parliament the tenth 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 2013 to 30 April 2014.

This is the 60th year that the Government has published the annual report of the Reviewing Committee and I would like to express my gratitude to the Committee, its expert advisers and staff at the Arts Council for their hard work in ensuring that the export licensing system continues to operate effectively. The objects that come before the Committee are wide-ranging and in most cases unique, and I am always impressed at the quality of advice and depth of understanding that the Committee is able to provide to assist me in determining whether items are of sufficient national importance to make an attempt to keep them in the UK.

I am extremely pleased that, following Lord Inglewood's excellent stewardship as Chair of the Committee over the previous 10 years, he has such a capable and accomplished successor in Sir Hayden Phillips. Sir Hayden has already presided over some challenging cases and I am sure that the Committee will benefit from his wide experience and skills.

I am delighted that, of the 22 works of art and cultural objects the Committee found to meet the Waverley criteria and which were subsequently placed under temporary export deferral, eight items, worth £13.85 million, were saved from export overseas – a significant benefit to our national heritage. This year's report is another treasure trove of rare and beautiful objects. For example, we saved the Monson Catholicon Anglicum, a bilingual Middle-English Latin dictionary and one of the first English-Latin dictionaries of which there are only two surviving examples. Its 8,000 words not only offer a fascinating insight into our linguistic past but they also tell us much about the culture and beliefs of medieval England. It will now be enjoyed by millions of visitors to the British Library.

Another highlight and a superb choice for the front cover of this year's report is Lusieri's stunning watercolour *Panoramic view of Rome: From the Capitoline Hill to the Aventine Hill*. This magnificent work which so splendidly captures the lighting and atmosphere of the city is important for the study of watercolour landscapes and has been acquired by the British Museum.

I would like to thank the many private donors and organisations who play a vital role in ensuring that important items of national treasure are saved from export. In particular, I would like to thank the Art Fund who supported several acquisitions including the British Museum's purchase of the Lusieri watercolour as well as the Victoria and Albert Museum's acquisition of a French Empire style medal cabinet dating from the early 1800s. This cabinet, now in the possession of the Victoria and Albert Museum, is of outstanding aesthetic importance and is highly significant to the study of the history of design.

Furthermore, I would like to express my profound thanks to the Heritage Lottery Fund who contributed £6.3 million towards the acquisition of the self-portrait of Sir Anthony van Dyck as well as the Art Fund, the Monument Trust and the Garfield Weston Foundation who, in total, donated £2.55 million. These were valuable donations which made a significant contribution towards enabling the National Portrait Gallery to acquire the painting, in spite of the application for export being withdrawn. In this case I was particularly touched by the £1.44 million raised by individuals, demonstrating that the generosity of the British public is seen at its finest when iconic national treasures are at risk of being lost. The public ownership of this painting, which is one of the finest intimate works from van Dyck's time in England, would almost certainly not have been possible without the Committee's intervention and the benevolence of this coalition of supporters. I would hope that a similar collective energy and leadership might be brought to bear in future in the case of all objects found by the Reviewing Committee to be national treasures.

I share the Committee's disappointment that, despite these superb efforts, it is not always possible to raise the funding required to keep some outstanding works of art in the UK. Particularly saddening was the reference in this year's report to the loss of Rembrandt van Rijn's portrait, *Rembrandt Laughing*, a captivating painting which is of outstanding significance for the study of Dutch painting and the work of Rembrandt in the 1620s.

I welcome the Reviewing Committee's commitment to review and update its procedures in order to ensure that this process works to save as many significant items as possible from export. Funding is, of course, always a pressing issue and I am pleased the Committee has drawn attention to the generosity of the Heritage Lottery Fund's grant scheme and its dedication to ensuring ease of use in its application process.

I am keen to ensure that we continue to promote the Cultural Gifts Scheme and Acceptance in Lieu scheme as effective mechanisms for capturing culturally significant items and I hope that sellers will be encouraged to consider the benefits of these schemes before applying to export items for sale abroad.

Whilst we redouble our efforts to protect and save our national treasures from disappearing from our shores, let us celebrate another 12 months of dedicated effort from all those who strive so hard to make this system a success. 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.



Sajid Javid

Secretary of State for Culture, Media and Sport

Operation of the Control

The following figures cover the period of this report (1 May 2013 to 30 April 2014).

	1 May 2012 – 30 April 2013	1 May 2013 – 30 April 2014
(a) Number of applications for individual export licences ¹	12,089	12,925
(b) Number of above applications which were for manuscripts, documents or archives	1,512	1,753
(c) Number of items licensed after reference to expert advisers on the question of national importance	33,842	32,640
(d) Total value of items in (c)	£1,665,255,992	£1,459,145,324
(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.	68	65
(f) Number of items licensed after the Export Licensing Unit was satisfied of import into the UK within the past 50 years	13,284	23,307
(g) Total value of items in (f)	£8,851,790,997	£9,862,798,517
(h) Number of items in (f) which were manuscripts, documents or archives	2,294	1,016
(i) Total value of items in (h)	£93,925,150	£38,507,477
(j) Number of items given an EU licence without reference to the question of national importance because they were either: valued at below the appropriate UK monetary limit ² ; owned by a museum or gallery that 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.	4,480	3,531
(k) Total value of items in (j)	£2,612,658,658	£1,941,877,027

¹ One application may cover several items.

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



Department
for Culture
Media & Sport

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

1 May 2013 to 30 April 2014

To:
The Rt Hon Sajid Javid MP
Secretary of State for Culture, Media and Sport

60th Report of the
Reviewing Committee



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

Members of the Committee 2013/14

Sir Hayden Phillips (incoming Chair)

Lord Inglewood (outgoing Chair)

Mr Richard Calvocoressi

Ms Philippa Glanville

Mr Simon Swynfen Jervis

Mr Lowell Libson

Ms Leslie Webster

Mr Aidan Weston-Lewis

Dr Christopher Wright

Secretary

Mr Peter Rowlands

Postal Address

Secretary

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

Arts Council England

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London WC1B 3HF

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

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Part I:

Reviewing Committee Report for 2013/14

1 May 2013 to 30 April 2014

Introduction

It has been another eventful year for the Reviewing Committee, with 29 cases considered. We are delighted that eight varied works with a total value at deferral of £13.9 million have been saved for the nation, ranging from Lusieri's evocative watercolour of Rome to two compelling manuscripts and an exquisitely crafted and elegant French Empire style medal cabinet, which are now in galleries, museums and archives across the country. There have been losses to the nation's heritage, but we remain hopeful that the significant tax incentives available for sales to museums and the streamlining of the application process for Heritage Lottery Fund grants will encourage more museums to pursue acquisitions in the future. We also continue to review and update our own procedures to ensure fairness in the export system for all parties.

Expert advisers, independent assessors and the administration of the system of export control

The Committee would like once more to thank the expert advisers and the independent assessors for their vital expertise, time and commitment. Expert advisers considered 32,640 objects of which 29* cases came before the Committee. This shows the degree of care they exercise before referring objects to the Committee. 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 the Arts Council 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 overall concern.

Referral of objects by expert advisers and funding issues

We continue to encourage the expert advisers to refer to the Committee for consideration objects that might potentially meet the Waverley criteria. Expert advisers play a crucial role in ensuring that objects potentially of Waverley standard come before the Committee; they are the bedrock of our system. In cases of doubt and where objects are felt to be 'borderline', expert advisers should always bring such objects forward, so that the Committee can 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 objects.

Of course we recognise that in the current economic climate and an escalating art market, in which exceptional pieces continue to achieve outstanding prices, funding issues are critical. This, additionally, is at a time when museum purchase grants, whether national, regional or local, have unhappily been allowed to dwindle almost to insignificance. In the year 2013/14, as in previous reporting years, a number of objects which the Secretary of State has deferred from export on the recommendation of the Committee have not, in the end, been retained in this country. We continue to hope that recent welcome changes to the tax system will help improve the position, and also that sellers will first consider private treaty sales to UK institutions, which can be of greater financial benefit to them (under the 'douceur' arrangements) than an open market sale. As we highlighted last year (Annual Report 2012/13), such 'douceur' benefits are not available to export-deferred items which come before the Committee. The Committee welcomed the Heritage Lottery Fund's change to its acquisitions policy in October 2011, making it simpler for organisations to acquire portable heritage when having to respond to tight deadlines. We have continued to see the benefits of the Heritage Lottery Fund's generous approach, which has enabled interested institutions to be in a position to make a matching offer to purchase a number of export-deferred items in recent years.

* Includes three cases carried over from previous period

Philanthropy – Cultural Gifts Scheme

We are pleased that the Cultural Gifts Scheme introduced last year has already attracted a number of interesting and varied offers which have resulted in several important acquisitions for the Holburne Museum in Bath, the University of Bristol's Special Collections, the British Library and the National Gallery in London and the Walker Art Gallery in Liverpool. This most significant new mechanism to assist the retention of British heritage continues to grow in popularity, and we are delighted that the combined annual limit for the Cultural Gifts Scheme and the Acceptance in Lieu scheme was increased from £30 million to £40 million from 2014/15. We would emphasise that we believe it has the potential to play a role in retaining objects of Waverley significance in the UK, and we hope that private collectors who are considering selling works of art might choose to donate them to the nation through the Scheme rather than selling them either privately or at auction with the ensuing risk that they may go abroad. Conversely, a potential donor might consider purchasing an export deferred object and donating it to the nation through this Scheme.

Expressions of interest and offers to purchase

In previous years we have expressed our hope that applicants and their advisers will honour their commitments, including their formally declared preparedness to accept a matching offer from a purchaser who will retain the object in the UK. Equally, we make a similar appeal to anyone considering making a serious expression of interest in purchasing an export-deferred item. We ask that potential purchasers give careful consideration before making an expression of interest, which should not be undertaken lightly, and – having done so – that they keep the Reviewing Committee Secretariat updated as to the progress of their fundraising and plans for acquisition. If an interested party is no longer able to follow this through, they should let the 'Champion'* know as soon as possible.

The tax-remitted compensating price

Last year we clarified that it is not appropriate that a 'douceur', which is an inducement to sell direct to the nation, is applied on a sale resulting after an export deferral. Where a sale is to a body listed in Schedule 3 of the Inheritance Tax Act 1984, the sale is tax free, but in such cases a compensating offer does not include any douceur element; it is simply the net of tax price ('the tax-remitted compensating price'). Sometimes this involves a substantial financial benefit to a public institution as was the case with the painting by Pietro Lorenzetti, *Christ between Saints Paul and Peter*, reported as case 12 in our 2012/13 report. It is only fair, given the

time constraints imposed by the deferral system, that the net of tax price to be given to any museums or similar bodies which express an interest in trying to raise the funds to make a matching offer is calculated as early as possible in the process. Not only do they need this information in order to assess whether they can express an interest in the first place but also so they can approach funding bodies with more precise details of the amount they need to raise. For this reason we now ask applicants to provide a calculation of the estimated net-of-tax price, and until this is to hand the press release from which time the deferral will start to run will not be issued. This net of tax price, which will subsequently require HMRC approval, will be made available to the expert adviser who acts as Champion and they can make it available to potentially interested institutions.

Three months' notice of sale

We would like to clarify that failure to give the requested three month notice of an intention to sell an object conditionally exempted from capital taxation will normally result either in us recommending that the Secretary of State extend the initial deferral period by three months or in us requiring the applicant to fulfil that condition before we can consider the licence application.

Committee members

There were only two changes of membership during 2013/14, with the conclusion of Lord Inglewood's 10-year term as Chair and the appointment of Sir Hayden Phillips GCB DL as his successor. Lord Inglewood's term of appointment expired on 24 February 2014. We would like to record our enormous appreciation for his leadership and invaluable contribution over the 10 years of his chairmanship. Sir Hayden's career has encompassed a large number of roles including Chair of the National Theatre (2004–10), Permanent Secretary – Department for National Heritage, later DCMS (1992–98) and Charities Consultant to HRH the Prince of Wales (2004–09). He was appointed as Chair of the Reviewing Committee on 17 March 2014 for a five-year term.

The Reviewing Committee has UK-wide competence for the Export Control System for Works of Art and Cultural Goods and in carrying out that role is conscious of the importance of the distinct traditions of all parts of the UK.

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

History and operation of the export control system

A full history of export controls in the UK and their rationale are at Appendix B. The terms of reference of the Reviewing Committee are at Appendix C.

* The Champion is the expert appointed by the Secretary of State to alert potential purchasers to an item's availability.

Part II:

Operation of the Control

During the period covered by this report (1 May 2013 to 30 April 2014):

- there were 12,925 applications for export licences
- 1,753 of these applications were for the export of manuscripts, documents or archives
- the applications covered a total of 59,478 items
- 32,640 items with a value of £1,459,145,324 were issued with export licences after they had been referred to expert advisers
- 65 Open Individual Export Licences (OIEL) were in operation over this period: a) nine 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) 50 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
- 23,307 items with a value of £9,862,798,517 were issued with export licences after the Export Licensing Unit was satisfied that they had been imported into the UK within the past 50 years. 1,016 of these items with proof of import were manuscripts, documents or archives, with a total value of £38,507,477
- 3,531 items, with a value of £1,941,877,027 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 2013/14 33 cases were referred to the Committee because the appropriate expert adviser had objected to the proposed export on the grounds of national importance. One case consisted of two applications. Seven cases were withdrawn before consideration by the Committee. 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.

In addition to these 26 cases the Committee considered a further three cases. Two cases that were referred to the Committee in the previous reporting period were considered in this one: Benjamin West, *Devout Men Taking the Body of St Stephen* and a collection of works by Thomas Baines, North Australian Expedition 1855–7. One case, Alonso Sánchez Coello, *Portrait of the Infante Don Diego, son of King Philip II of Spain*, considered by the Committee in the 2012/13 period gave rise to issues which required further consideration and these have now been resolved. 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>

Of the 29 cases considered by the Committee one case gave rise to issues that are still being resolved.

Items found to meet the Waverley criteria

25 items were found to meet at least one of the Waverley criteria:

Case 2 – Rembrandt van Rijn, *Rembrandt Laughing* (met second and third criteria)

Case 3 – A Bentley 4.5 litre Blower (met third criterion)

Case 4 – A gold and gem-set ring owned by Jane Austen (met first criterion)

Case 5 – Letters and related documents of James Wolfe (met first and third criteria)

Case 6 – A tractise from the Mendham Collection (met third criterion)

Case 7 – Claude-Joseph Vernet, *A View of Avignon* (met second and third criteria)

Case 8 – Domenico Puligo, *Portrait of a Lady, called Barbara Salutati* (met third criterion)

Case 9 – A pair of wall hangings designed by May Morris (met third criterion)

Case 10 – Death mask of Napoleon Bonaparte (met first criterion)

Case 11 – Sir Anthony van Dyck, *Self-portrait* (met all three criteria)

Case 12 & 13 – Two watercolours by Giovanni Battista Lusieri, panoramic views of Rome (met second and third criteria)

Case 14 – The Monson Catholicon Anglicum (met first and third criteria)

Case 15 – A pair of bronze sculptures by Massimiliano Soldani-Benzi (met second and third criteria)

Case 16 – A Celtic chariot lynch pin (met second and third criteria)

Case 17 – Benjamin West, *Devout Men Taking the Body of St Stephen* (met third criterion)

Case 18 – Alonso Sánchez Coello, *Portrait of the Infante Don Diego, son of King Philip II of Spain* (met second and third criteria)

Case 19 – A gilt-bronze centrepiece by DR Gastecloux (met second and third criteria)

Case 21 – Nicolas Poussin, *The infant Moses trampling upon Pharaoh's Crown* (met second and third criteria)

Case 22 – An Empire style medal cabinet (met second and third criteria)

Case 23 – Charles Le Brun, *Portrait of Everhard Jabach and family* (met second and third criteria)

Case 25 – A collection of works by Thomas Baines, North Australian Expedition 1855–7 (met third criterion)

Case 26 – *The Norman Album*: images from the life of Julia Margaret Cameron (met all three criteria)

Case 27 – An Iron Age bronze mirror (met second and third criteria)

Case 28 – A pair of Himalayan bronze fantastical lion dogs (met third criterion)

Items found not to meet the Waverley Criteria

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

Case 1 The Baden-Powell desk by William Seuffert

Case 20 Benjamin West, *Milkmaids in St James's Park, Westminster Abbey beyond*

Case 24 Gwen John, *Portrait of the artist's sister, Winifred*

Items where the licence application was withdrawn following the case hearing

Three applications for an item found to meet the Waverley criteria were withdrawn following the hearing and consequently not referred to the Secretary of State:

Case 16 – A Celtic chariot lynch pin (the item was subsequently donated to the British Museum)

Case 26 – *The Norman Album*: images from the life of Julia Margaret Cameron

Case 28 – A pair of Himalayan bronze fantastical lion dogs

Waverley items referred to the Secretary of State

22 cases were referred to the Secretary of State for deferral and the Secretary of State accepted the Committee's recommendations on all of them. The aggregate value of the 22 deferred items was £80,714,238.

Item where the licence application was withdrawn following the decision of the Secretary of State

Case 11 – Sir Anthony van Dyck, *Self-portrait*

Deferred items that were subsequently acquired

Of the 22 deferred items, the following eight items were acquired by institutions in the UK:

Case 4 – A gold and gem-set ring owned by Jane Austen (£152,450)

Case 6 – A tractise from the Mendham Collection (£116,500)

Case 9 – A pair of wall hangings designed by May Morris (£61,770)

Case 11 – Sir Anthony van Dyck, *Self-portrait* (value at deferral £12,500,000, purchased for £10,000,000)

Case 13 – Giovanni Battista Lusieri, *Panoramic View of Rome: From the Capitoline Hill to the Aventine Hill* (£361,875)

Case 14 – The Monson Catholicon Anglicum (£92,500)

Case 22 – An Empire style medal cabinet (£534,000)

Case 27 – An Iron Age bronze mirror (£33,000)

The eight cases where items were purchased have a total value of £13,852,095 (value price at deferral) which represents 17 per cent of the total value of objects 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 (or can now be) issued for the 14 items listed below:

Case 2 – Rembrandt van Rijn, *Rembrandt Laughing* (£16,500,000)

Case 3 – A Bentley 4.5 litre Blower (£5,149,800)

Case 5 – Letters and related documents of James Wolfe (£900,000)

Case 7 – Claude-Joseph Vernet, *A View of Avignon* (£5,475,800)

Case 8 – Domenico Puligo, *Portrait of a Lady, called Barbara Salutati* (£1,787,695)

Case 10 – Death mask of Napoleon Bonaparte (£175,100)

Case 12 – Giovanni Battista Lusieri, *Panoramic View of Rome: From Saint Peter's to the Chiesa Nuova to the Aventine Hill* (£481,875)

Case 15 – A pair of bronze sculptures by Massimiliano Soldani-Benzi (£4,590,000)

Case 17 – Benjamin West, *Devout Men Taking the Body of St Stephen* (£1,756,873)

Case 18 – Alonso Sánchez Coello, *Portrait of the Infante Don Diego, son of King Philip II of Spain* (£4,250,000)

Case 19 – A gilt-bronze centrepiece by DR Gastecloux (£295,000)

Case 21 – Nicolas Poussin, *The infant Moses trampling upon Pharaoh's Crown* (£14,000,000)

Case 23 – Charles Le Brun, *Portrait of Everhard Jabach and family* (£7,300,000)

Case 25 – A collection of works by Thomas Baines, North Australian Expedition 1855–7 (£4,200,000)

The 14 items where export licences were (or can now be) issued have a total value of £66,862,143 which represents 83 per cent of the total value of objects placed under deferral and 64 per cent in number.

Export of Objects
of Cultural Interest
2013/14

Individual export cases

Case 1

The Baden-Powell desk by William Seuffert

This desk (secretaire) was made by William Seuffert (1858–1943) between 1900 and 1902 in Auckland, New Zealand, with the carvings attributed to Anton Teutenberg. Measuring 167cm high, 130cm wide and 66cm deep, it is inlaid with marquetry made of New Zealand woods, depicting the people, topography, flora and fauna of New Zealand. It incorporates the then coat of arms of Major-General Robert Baden-Powell (1857–1941) and bears a silver plaque which reads: 'Presented to Major-General R. S. S. Baden-Powell by admirers in the province of Auckland, New Zealand, in recognition of distinguished services rendered to the Empire during the siege of Mafeking, from 13 Oct. 1899 to 17 May 1900'.

The applicant had applied to export the secretaire to New Zealand. The value shown on the export licence application was £250,000 which represented the agreed sale price, subject to the granting of an export licence.

The Keeper of Furniture, Textiles and Fashion and the Curator of Furniture at the Victoria and Albert Museum, acting as expert advisers, had objected to the export of the secretaire under the first and third Waverley criteria on the grounds that it was so closely connected with our history and national life its departure would be a misfortune, and that it was of outstanding significance for the study of the siege of Mafeking and the relationship between Britain as an imperial power and one of her most distant colonies, New Zealand.

The expert adviser stated that the secretaire was closely connected with one of the most famous incidents in British imperial and military history. It was made for and presented to the British soldier, Major-General Baden-Powell, expressly to recognise his achievements at Mafeking. The relief of Mafeking had been celebrated throughout the British Isles at every social level. Mafeking catapulted Baden-Powell to worldwide fame which eight years later aided his founding of and recruiting for the Scouting Movement.

The secretaire was arguably the most celebrated surviving object associated with the siege of Mafeking, an important event which was one of the defining moments of the British Empire during the late Victorian period. The secretaire was material evidence of the importance of the event and the relationship between Britain as an imperial power and one of her most distant colonies, New Zealand. It was the greatest achievement of a London-born maker, William Seuffert, and echoed the gift of a similar secretaire by the people of New Zealand to Queen Victoria 40 years earlier, by William's father. It displayed the people, places and fauna of part of the British Empire and added to the understanding of the network of colonial relationships between South Africa, New Zealand and the 'old country'.

The applicant disagreed that the secretaire met the Waverley criteria. First, Mafeking was not depicted in the marquetry panel and although the commissioning of the desk was a celebration of British success, it played no part in the event itself, merely reflecting the loyalty of the New Zealanders. Furthermore the siege of Mafeking was not of great significance to the people of Great Britain. The siege appeared, anecdotally, to be little known and it was not currently taught as part of the national curriculum. Today Baden-Powell was better known as the founder of the Scout movement. Secondly, the overall design was outmoded for its period of manufacture, arguably, lacking the dramatic presence of the remarkable secretaire by Anton Seuffert (1815–87), William's father, which was exhibited at the London International Exhibition in 1862 and then given to Queen Victoria by the people of New Zealand (Royal Collection). While the secretaire displayed proficient use of marquetry decoration, the overall form was conventional. Finally, the secretaire was insufficiently significant within the field of furniture studies to warrant retention.

We heard this case in May 2013 when the secretaire was shown to us. We found that the secretaire did not satisfy any of the Waverley criteria and recommended that an export licence be issued. An export licence was therefore issued.

Case 2

Rembrandt van Rijn, *Rembrandt Laughing*

This painting is in oil on copper, measuring 23.75cm x 17cm. It is signed with a monogram on the upper left. The manner of the painting and the format of the signature suggest a date of circa 1628.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £16,500,000, which represented an agreed sale price, subject to the granting of an export licence.

The Director of the National Gallery, acting as expert adviser, had objected to the export of the painting under the second and third Waverley criteria, on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of Rembrandt's early career which was a period of constant change and experimentation.

The expert adviser stated that the painting was a particularly well-preserved painting in oil on copper (an unusual choice of support for the artist) and demonstrated Rembrandt's supreme facility with the painted medium. The painting depicted a young male figure at half length, dramatically situated before a wall washed in light. He struck a jaunty pose, elbow jutting into space with head cocked back in spontaneous laughter, and wore a metal gorget over a purple jacket and loosely wrapped cloak. The painting was reproduced in an engraving by Lambert Anthonie Claessens (1763–1834), with an inscription erroneously identifying the image as *Le rieur*, by Frans Hals.

The image had been recognised as a self-portrait by Rembrandt for over a century, but until this painting appeared at auction in late 2007, the engraving was the only known record of the composition.

This delicately painted yet compelling work was an important addition to the extant works dating from the artist's early career. The manner of the painting and the format of the signature suggested a date of about 1628, three years prior to the artist's move from Leiden to Amsterdam in 1631. *Rembrandt Laughing* represented a genre of painting known as a *tronie*, a head study intended to depict a particular emotional state or figure type rather than a specific identifiable person, although it was possible to recognise Rembrandt's own features in the painting. The format was ideal for demonstrating Rembrandt's penetrating investigations of human character and emotion.

The painting was a strikingly beautiful example of Rembrandt's early work. This phase of Rembrandt's career, from about 1626–31, had yielded some of his most fascinating and challenging works and was a period of constant change and experimentation. The delicate vigour of the brushwork and the sophisticated play of light and shadow, figure and void, gave this work a power that belied its diminutive size. Even on a small scale, the painting conveyed Rembrandt's characteristically daring and assured brushwork. The painting was one of only a handful of paintings the artist made on copper and demonstrated how he adapted his style to suit this particular support. Although small in scale, the painting vividly captured the audacity, optimism and infectious enthusiasm of a 22-year-old artist who would go on to create some of the most powerful paintings of the seventeenth century.

The applicant neither agreed nor disagreed that the painting met the Waverley criteria. They stated that the UK was especially well-represented in works by Rembrandt and in particular self-portraits in public and private collections.

We heard this case in June 2013 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 Dutch painting and in particular the work of Rembrandt in the 1620s.

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 £16,500,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further 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.



Above: Rembrandt van Rijn,
Rembrandt Laughing



Above: Bentley 4.5 litre Blower

Case 3

Bentley 4.5 litre Blower

This 1929–31 Bentley 4.5 litre supercharged, single-seater racing car (chassis number HB3402, registration mark UU 5871), made primarily of steel, aluminium and wood, was designed by Henry – later Sir Henry – ‘Tim’ Birkin.

The applicant had applied to export the racing car to Germany. The value shown on the export licence application was £5,149,800, which represented the price paid at auction.

The Curator, British Motor Industry Heritage Trust, acting as expert adviser, had objected to the export of the car under the first Waverley criterion on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune.

The expert adviser stated that this was one of the most important racing cars to have survived from the pre-war era. Designed by Henry Birkin predominately as a Brooklands track car, it was one of the first super charged Bentleys. Birkin was one of the most charismatic figures in British motor racing and a member of the famous Bentley Boys team who never failed to get the adulation of the crowd. This supercharged racing car was the result of Birkin’s own design and his development (much to the displeasure of Walter Owen Bentley, founder of Bentley Motors Limited, who considered it corrupted the original Bentley engineering).

Henry Birkin devised a programme of racing for his new product, sponsored by his patron the Hon. Dorothy Paget, daughter of Lord Queenborough. In the early 1930s Birkin and the single-seater were the darlings of Brooklands, which was widely regarded as the heart of the pre-war motor racing scene in the UK. On two occasions the single-seater had been the fastest car around Brooklands’ Outer Circuit. The expert adviser suggested that comparable iconic motorcars included the K L Guinness’ Sunbeam 350hp (National Motor Museum) and John Cobb’s Napier-Railton (Brooklands Museum). Inextricably linked to the heyday of Brooklands, the single-seater Bentley epitomised the speed, glamour and passion of motor racing at the top level of the sport in 1920s and 30s Britain. In 1933 Birkin burnt his arm badly and died shortly after. The Hon. Dorothy Paget retained ownership of the single-seater until 1939, when she sold it primarily for the engine, to Peter Robertson-Rodger. The body and chassis were reunited 25 years later by a subsequent owner who largely returned the car to Birkin’s Brooklands trim.

The applicant did not agree that the racing car met the Waverley criteria. They stated that the car plainly did not enjoy the national importance of the land speed record cars. Three of the most significant: 1927 Sunbeam (driven by Sir Henry Segrave at 203mph); 1929 Golden Arrow (Segrave 231mph); and the 1961 Bluebird (Campbell 403mph) were in the National Motor Museum at Beaulieu. This racing car had been widely advertised (and indeed travelled) prior to its very public auction and no public interest was engendered. The racing car had a continuous history but had undergone a number of metamorphoses, with four body styles. Its present single-seater configuration was the most famous but the body work was not original to this third iteration. The car did not have its original engine. It had not been raced internationally on the continent and its speed at Brooklands had been eclipsed by the Napier Railton. The Blower Bentleys generally did not share the significance of the Bentleys which won Le Mans, and which were therefore more successful.

We heard this case in June 2013 when the racing car 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 motor racing and automobile technology in the first half of the 20th century. 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 £5,149,800. 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 racing car, the deferral period should be extended by a further seven months.

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



Case 4

A gold and gem-set ring owned by Jane Austen

This gold ring is set with a turquoise. It was made possibly between 1760 and 1780, and was presented in a nineteenth-century case which bears the name of T West, goldsmith of Ludgate Street, London. It was accompanied by papers documenting the history of the ring within the family of Jane Austen.

The applicant had applied to export the ring to the USA. The value shown on the export licence application was £152,450 which represented a hammer price of £126,000 at auction plus buyer's premium of £26,450.

The Senior Curator, Sculpture, Metalwork, Ceramics and Glass Department at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the ring under the third Waverley criterion on the grounds that it was of outstanding significance for the study of Jane Austen. According to a note written by Eleanor Austen in November 1863, the ring had belonged to Jane Austen (1775–1817). From Jane it had passed to her sister, Cassandra, who gave it to her sister-in-law Eleanor Austen, second wife of the Revd. Henry Thomas Austen (Jane and Cassandra's brother). From Eleanor the ring passed to her niece Caroline Mary Craven Austen. Notes written by Mary Dorothy Austen-Leigh (sold with the ring) tracked the subsequent descent of the ring.

The expert adviser stated that Jane Austen's House Museum at Chawton exhibited only two pieces of jewellery as having been owned by Jane Austen: a turquoise bead bracelet which previously belonged to Mary A Austen-Leigh, and a topaz cross, which her brother Charles sent to Jane in 1801. The topaz cross was believed to be the model for the amber cross given by William to Fanny Price in *Mansfield Park*. Jane Austen's modest lifestyle and her early death meant that objects associated with her of any kind were rare; even her letters were in part destroyed by her family.

Jane Austen showed an appreciation of the significance of jewellery in personal relationships both in her life and in her novels. Furthermore, rings reflected the characters of wearers in her novels and jewels were often much more than symbols of vanity and excess. In *Mansfield Park* the giving of a jewel and its implications are

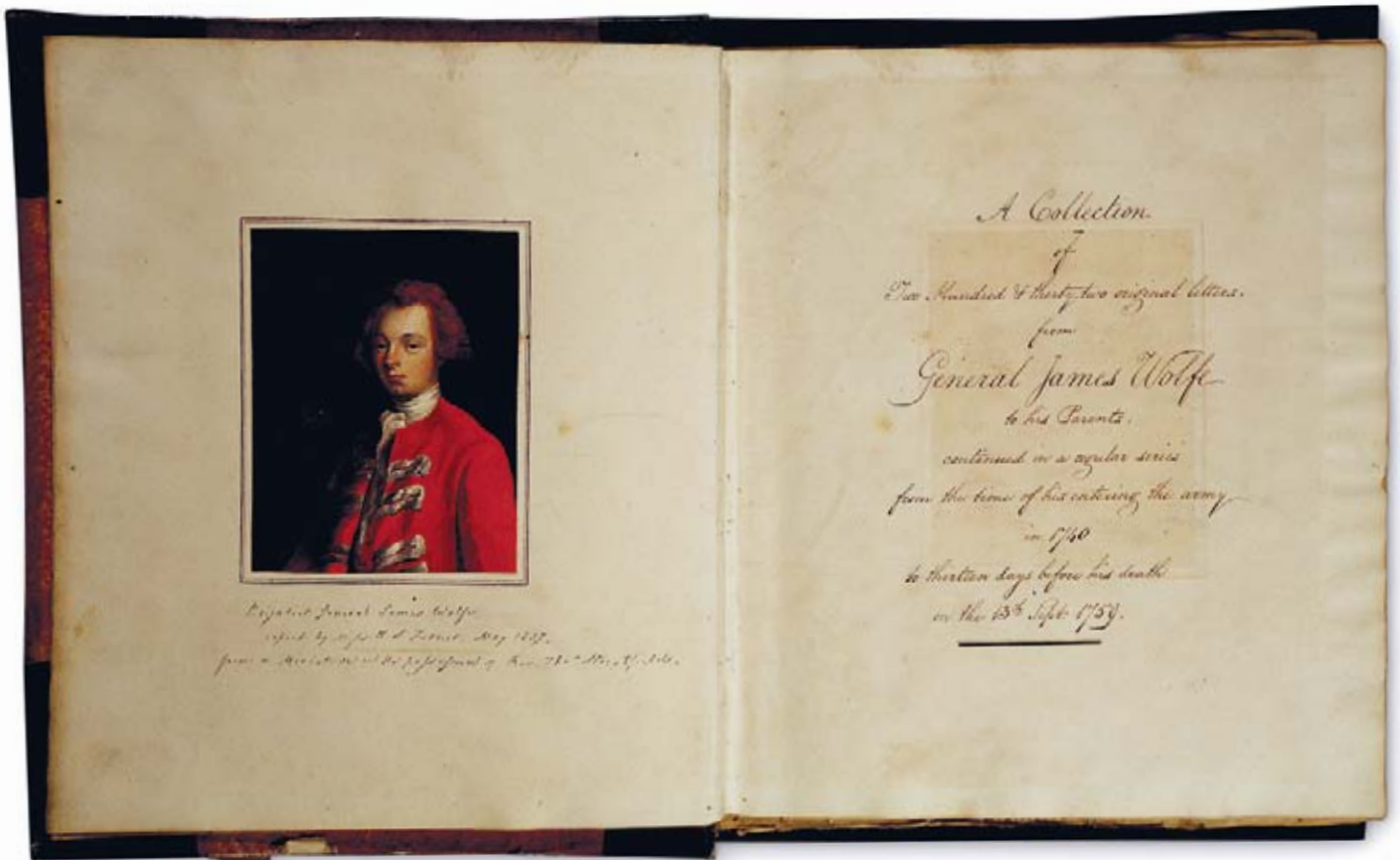
explored in detail. It was precisely because Jane Austen understood so minutely the social and emotional nuances, including pain and pleasure, which could be associated with a piece of jewellery, and because jewellery had such potency as an intimate possession, that this elegant and appropriately simple ring aroused such interest when its auction was announced in 2012. Furthermore, the ring under consideration was little known to the present generation of Austen scholars and entirely unknown to the great majority of her readers.

The applicant did not agree that the ring met the Waverley criteria. While there was no question that Jane Austen was a cultural figure of enormous significance, the ring was not considered to be as important culturally as Austen was as a writer. The applicant suggested that, while the ring was 'an attractive but simply designed piece' of jewellery it clearly did not meet the threshold required to be of outstanding aesthetic importance. In addition, there was little scope for further research on this piece that would be of significance to the study and appreciation of either the works or the life of Jane Austen. In particular, nothing was known about how Jane Austen had come to own the ring or whether it held any special significance for her.

We heard this case in June 2013 when the ring was shown to us. We found that it met the first Waverley criterion on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune. 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 £152,450 (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 ring, the deferral period should be extended by a further three months.

During the initial deferral period we were informed of a serious intention by The Jane Austen Memorial Trust to raise funds to purchase the ring. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the ring had been purchased by The Jane Austen Memorial Trust. The ring is on permanent display at Jane Austen's House Museum.

Left: A gold and gem-set ring owned by Jane Austen



Portrait General James Wolfe
copied by Sir John Sturt, May 1737.
from a miniature in the possession of Mrs. M. Sturt, 1746.

A Collection
of
Two Hundred & thirty-two original letters,
from
General James Wolfe
to his Parents,
continued in a regular series
from the time of his entering the army
in 1740
to thirteen days before his death
on the 13th Sept. 1759.

Above: Introductory page
from letters and related
documents of James Wolfe
Photo: Stancliffe & Glover Ltd

Case 5

Letters and related documents of James Wolfe

These documents include 232 letters from Wolfe to his parents, spanning the entirety of his military service; a volume of commissions documenting the careers of both James Wolfe and his father Edward Wolfe, 1702–58; and correspondence and papers of Wolfe's mother, Henrietta, regarding the settling of her son's estate and her claim for a War Office pension, prior to her death in 1764.

The applicant had applied to export the archive to Canada. The value shown on the export licence application was £900,000 which represented an agreed sale price, subject to the granting of an export licence.

The Keeper of Special Collections at the Bodleian Libraries, acting as expert adviser, had objected to the export of the archive under the first and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune and that it was of outstanding significance for the study of the life and times of General James Wolfe.

The expert adviser stated that Major General Wolfe, victor of the Battle of Quebec and hero of the Seven Years' War, was one of the most important British military figures of the modern age and a key figure in the nation's imperial history. His audacious victory against the French at Quebec on the 13 September 1759, after months of frustration and ill health, was a decisive moment in the Seven Years' War and an important contributor to the development of the British Empire. The significance of the victory at Quebec found a poignancy in his fatal wounding at the Battle. This was a sacrifice that inspired a massive wave of culturally significant paintings and artefacts and earned Wolfe the status of a martyr whose personal fate became inextricably linked with the destiny of his own country.

The documents were unparalleled by any other surviving Wolfe letters in their extent and in their rich content. Indeed, it was exceptionally rare to find any series of letters like this from an important military figure of the eighteenth century. The letters were critical to an appreciation of Wolfe as a national figure, particularly as they provided an opportunity to test the mythology of the man against an accurate documentary source. Once they had been properly exposed to modern scholarship, they were likely to add significantly to our assessment of the life and times of Wolfe.

The applicant disagreed that the documents met the Waverley criteria. They stated that first, the fame of James Wolfe in Britain essentially dated from the hour of his death. It was really a phenomenon of the late eighteenth and nineteenth century while Wolfe's personality and deeds were a continued touchstone of Canadian national identity. Secondly, the letters of James Wolfe were ordinary letters of their day and had no outstanding aesthetic significance. Additionally, while undoubtedly a source of information on his personality, they were of surprisingly limited value as a source for his life and outlook as a professional soldier. It was hard to feel that they added substantially to our understanding of Wolfe as a historical figure.

We heard this case in May 2013 when the documents were shown to us. We concluded that the documents met the first and third Waverley criteria on the grounds that they were so closely connected with our history and national life their departure would be a misfortune and they were of outstanding significance for the study of James Wolfe and for the study of British army life in the mid-eighteenth century.

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 £900,000. 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 documents, the deferral period should be extended by a further four months.

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

Case 6

A tractise from the Mendham Collection

This printed copy of Stephen Gardiner and Thomas Martin, *A Traictise declaryng and plainly prouyng, that the pretended marriage of Priestes... is no mariage* (London, 1554), on paper and rebound in a mid-nineteenth century morocco binding (measuring 195mm x approximately 140mm), consists of 288 pages and is extensively annotated in the hand of John Ponet, Bishop of Winchester (circa 1514–56). Significantly it contains, on interleaved pages, a substantial manuscript work by Ponet (140 full pages), comprising draft passages and working notes for his book-length reply to this tractise.

The applicant had applied to export the tractise to the USA. The value shown on the export licence application was £116,500 which represented the hammer price at auction plus buyer's premium.

The Librarian and Archivist at Lambeth Palace Library, acting as expert adviser, had objected to the export of the tractise under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the history of the English Reformation. The expert adviser stated that the provenance of this volume was obscure; presumably it was in Ponet's library in Strasbourg at the time of his death and it may have been among the books acquired by Sir Anthony Cooke from Ponet's widow. It was thought to have been in the collection formed by Joseph Mendham (1769–1856) and presented in 1869 to the library of the Law Society.

The issue of clerical marriage was one of the touchstone controversies of the Reformation, beginning with Luther himself. John Ponet was a major contributor to the debate in England, publishing his first tract in defence of clerical marriage in 1549, the same year in which it was made legal by Act of Parliament. The manuscript under discussion shed light on the next stage of the debate, and revealed in detail how Ponet (in exile) worked up his rejoinder to the attack on his views which had been mounted in print by Stephen Gardiner and Thomas Martin. In response, Ponet's tone was confrontational, personal and frequently indignant. The manuscript annotations were a discontinuous mixture of working notes and rough drafts, revisited over a period of time; they combined relentlessly systematic logical argument with rhetorical point-scoring. The expert's own brief comparison of Ponet's manuscripts with the published

version of his reply suggested that the manuscript represented an early stage in the formation of his argument as many passages were significantly changed at a later date or not published at all. Evidence of this sort was extremely rare and of great significance for scholars interested in authorial processes and the adversarial culture of publication in sixteenth-century England.

Finally, this manuscript bore witness to the critical period in the mid-1550s when the fate of the English Reformation hung in the balance, as Queen Mary restored the doctrine and personnel of the Catholic Church. One such doctrine was clerical celibacy and one such person was Stephen Gardiner, who had been ejected as Bishop of Winchester, replaced by Ponet, and then reinstated. In the pages of this volume, two Bishops of Winchester are seen locked in controversy.

The applicant disagreed that the tractise met the Waverley criteria. They stated that it did not meet the second Waverley criterion as it was of limited aesthetic interest. They did not dispute the fact that the book had a connection to national history, in particular the English Reformation under Edward VI, and that it was of some significance for a particular branch of learning or history. However, while being a rare and interesting survival the applicant was not convinced that the book was of sufficiently outstanding significance to meet the first and third Waverley criteria.

We heard this case in September 2013 when the tractise was shown to us. We concluded that it met the third Waverley criterion on the grounds that it was of outstanding significance for the study of the history of the English Reformation and the adversarial culture of publication in sixteenth-century Europe.

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 £116,500. 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 tractise, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention by the British Library to raise funds to purchase the tractise. We were subsequently informed that the tractise had been purchased by the British Library with assistance from a private individual donor.

Right: Pages from *A Traictise declaring and plainly prouyng, that the pretended marriage of Priestes... is no mariage*

Of Priestes

the. xviii. c. non in reu. fous.

Read; good reader, that as the Apostles kept a council in Jerusalem, so did they also here in precept to all Bishops their successors to done the same, as in an especial Canon that ordines for general counsels, it is thus should so require, that also for particullar and p[ro]uinciall counsels in this sort. In an an. Episcoporum celebratur synodus, et p[ro]uincialis inter se diuina in diuina synodus, neque non in ecclesia concilio aduersus hereticos, sed in quibusdam quibusdam p[ro]uincialibus, secundum auctoritatem Hieronymi. The word there bet a synod of Bishops celebrat to be in the p[re]ce, and that the doctours of doctrine a good religion be inquired of, a cherecristes of opinions that rule in the church be inquired, the one synod to be kepte the thirtieth day in Iulijmoneth, the other the xiiij. of October.

Thus much I thought good to say, for the auoiding of counsels and howe they began, and howe they continued ever sought vpon, and honored of the catholikes, and neuer in aliene but of Heretikes, whose demaunde being granted, you may see what well follow by the time. Demant the theses to refuse all questes compellid that shall not vpon them, to reiect all heresies of the reu. men, to allege the lawe as them life, and not after the opinion of the leaues seruants, to denie utterly the whole authority of Inogen, would not the state of the common worlde be soone ouerthrowe, if this should come to passe? Who vnderstande it would first in our case, the seruants and tenured men in Gods worde, be the doctours of the church. The witnesses of the same be the dogmes and sayings of Christes Apostles, the holie fathers and a number of blessed Martyrs and confessours: the which in their comen and agreeable confessions: the sentence of the Lawe is the determination of the generall councilles founded vpon the same, which in the scripture and testimonie of the old writers in the primitive church. The same now amage the authority of these holie fathers, unrenient Doctours, and generall councilles, and howe to set them together for the sake of Christe to be truly interpreted

Handwritten marginal notes in Latin and English, including phrases like 'the spirit of the law' and 'the law of the Lord'.

Handwritten notes in Latin and English at the top of the right page, including 'Martyr' and 'compelle'.

Handwritten notes in Latin and English in the middle of the right page, including 'the spirit of the law' and 'the law of the Lord'.

Handwritten notes in Latin and English at the bottom of the right page, including 'the spirit of the law' and 'the law of the Lord'.

Unlawfull marriages

that lawe of continencie. The use of man with his lawfull wife be called chastite, and that it was enough that they whiche receiued orders before they married, that they according to the olde tradition of the church should for their burth abstaine from marriage, but not all the other sort that they whiche orders before had been married before lay men, should abstaine from their wives by lawfull. The question Daphnadius had at that tyme in the presence of all the bishops, who for all that not onely neuer refused marriage himselfe: but also neuer had knowledge of woman in all his life. For feare his colubore he didd requeste ben from the world, and gaue himselfe to be a monk and to keepe living in a Monastery, that for his singulare and especiall chastite, his frindes and same tyme as very where aboute others. And therefore the whole house with one voyce to Daphnadius assented, permitted all men to abstaine from their iurors, after the rule of their owne conscience. Some dooeth this affection of Daphnadius I praise you make for Dioces to marie, as one man of late yeares has preached in pulpit, preached in Auerne, and placed in Antichristes dooeth not be with moste expresse wordes, shew it to be an unchristian rebellion of the church, that a so-called deacon made Diocetes could be marie. And whereas this place is commonly alleaged to proue that marriage is clearely chastite, and therefore a Diocetes being bound to chastite, maye well enoughe marie. I praye the gentle Reader, make well whether their principall be here well proued. Daphnadius said not that priestes shoulde be in chastite, but the use of a man with his lawfull wife, or with his lawfull wife is chastite. But marke howe he doeth life in the next sentence following: cometh her to be a Diocetes lawfull wife, which after he was made Diocetes, he took in marriage: that saith he, is against an ancient tradition of the church, Ergo, against the Lawe, Ergo, mee is not this lawfull wife: Ergo, he is incontinencie, not chastite, not innocencie, but hecetic, and he Daphnadius otiose

Handwritten notes in Latin and English at the top right of the page, including 'Daphnadius'.

Handwritten notes in Latin and English in the middle right of the page, including 'the spirit of the law'.

Handwritten notes in Latin and English at the bottom right of the page, including 'the spirit of the law'.

Handwritten notes in Latin and English in the middle left of the page, including 'the spirit of the law'.

Handwritten notes in Latin and English in the bottom left of the page, including 'the spirit of the law'.

Handwritten notes in Latin and English at the very bottom left of the page, including 'the spirit of the law'.



Above: Claude-Joseph Vernet,
A View of Avignon

Case 7

Claude-Joseph Vernet, *A View of Avignon*

This painting is in oil on canvas and measures 99cm x 182.7cm. It is signed and dated on the lower left of the painting 'Joseph Vernet f/1757' and is in good condition.

The applicant had applied to export the painting to France. The value shown on the export licence application was £5,475,800 which represented a hammer price at auction of £4,700,000 plus buyer's premium of £775,800.

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

The expert adviser highlighted the aesthetic qualities of the painting. He noted its composition, framed vertically by combinations of the natural and the man-made and structured horizontally by land, water and sky. He pointed out the accurate topographical rendering set off by beautifully executed foreground figures. He also drew attention to the way in which the gentle afternoon sun illuminated the individual buildings and the great precision with which Vernet rendered the river, distinguishing between the turbulent current of the water as it traversed the broken bridge at the left of the picture and the smooth flow of water to the right.

A View of Avignon was painted for Louis-Gabriel Peilhon who was one of the artist's most important patrons. It was Vernet's only view of his native city and, save for the National Gallery's *Sporting Contest on the Tiber*, there was no painting by him of an actual site in a public collection in the UK. Consequently it was of outstanding significance for the study of both Vernet and of the history of art.

The applicant questioned whether the painting met the third Waverley criterion given that Vernet was well represented in public collections in the UK, with the National Gallery's *A Sporting Contest on the Tiber* at Rome being an example of Vernet's topographically accurate views.

We heard this case in October 2013 when the painting was shown to us. We concluded that the painting met the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance, and that it was of outstanding significance for the study of Vernet. 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 £5,475,800 (plus VAT on the buyer's premium of £155,160 which could be reclaimed by an eligible institution). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further four months.

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

Case 8

Domenico Puligo, *Portrait of a Lady, called Barbara Salutati*

This painting is in oil on panel, measuring 100cm x 80.5cm and was painted circa 1523–5. It is inscribed in gold on the cornice of the architecture 'MELIORA. LATENT' and on the edge of the table 'TV.DEA.TV. PRESE[N]S.NOSTRO.SVCCVRRE LABORI'.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £1,860,000 which was the pounds sterling conversion from the sale price of \$2,900,000 at the date of the export application. \$2,900,000 represented the price at which the present owner had agreed to sell, subject to the granting of an export licence.

The Director of the National Gallery, acting as expert adviser, had objected to the export of the painting under the third Waverley criterion on the grounds that it was of outstanding significance for study as a portrait with a very good claim to representing a fascinating and significant individual in Renaissance Italy: Barbara Rafficani Salutati, a celebrated Florentine courtesan, who was famed for her beauty and musical talent and who was also the mistress of Niccolò Machiavelli (1469–1527).

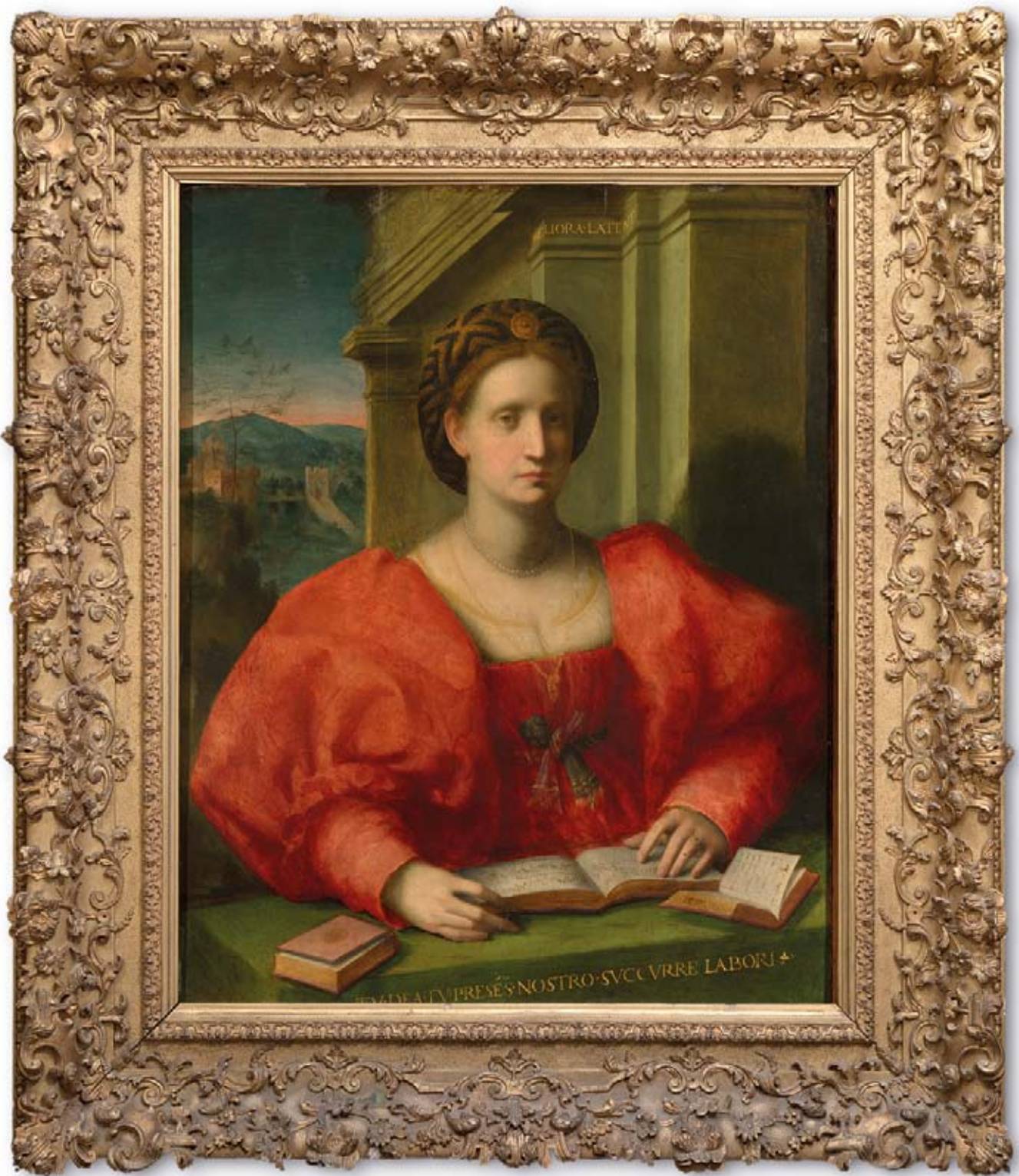
The expert adviser stated that Puligo had trained with Ridolfo Ghirlandaio and in the workshop of Andrea del Sarto. He had painted both religious works and portraits, but it was for the latter, which showed his interest in the developments of Raphael and Titian, that he was now held in higher regard. The painting under consideration demonstrated Puligo's awareness of the established genre of courtesan portraiture which was more commonly associated with Venice than Florence. Vasari, in the second edition of his *Vite*, recorded Puligo's portrait of the famed courtesan, 'Barbara the Florentine', noting her beauty, fine manners, musical ability and exquisite voice. Machiavelli wrote a play to demonstrate her acting ability and she herself wrote poetry. This portrait was very likely to be that recorded by Vasari in 1568.

Puligo's portrait of Barbara the Florentine was recorded as being in the house of Giovanni Battista Deti in Florence in the second half of the sixteenth century. Nothing further was currently known of Deti but the present portrait had been acquired in Florence by George Cowper, 3rd Earl Cowper (1738–89) by 1779 and on his death came to England, forming part of the Panshanger collection which had subsequently passed by descent.

The applicant agreed that the painting might meet the third Waverley criterion as it had formed part of the Cowper collection which was one of the greatest groups of Florentine Old Masters ever assembled and brought to Britain.

We heard this case in October 2013 when the painting was shown to us. We concluded that it met the third Waverley criterion on the grounds that it was of outstanding importance for the study of female portraiture in the Renaissance and for the study of British collecting in the eighteenth century. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £1,787,695 which represented \$2,900,000 at the exchange rate of £1=\$1.6222 on 2 October 2013, the date of the hearing. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further three months.

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



Above: Domenico Puligo, *Portrait of a Lady, called Barbara Salutati*



Above: Two wall hangings
designed by May Morris

Case 9

Two wall hangings designed by May Morris

These hanging panels are made of hand-spun and hand-woven linen embroidered with natural dyed crewel wool, each measuring 191.5cm by 146cm. Designed by May Morris (1862–1938), both hangings are of the same design worked in different colours and stitches, with a central tree between rosebushes, floral trails and birds against a square trellis background. The foreground of each panel includes a robin and a rabbit. The panels are likely to have been made for Melsetter House, Orkney, probably between 1898 and 1902.

The applicant had applied to export the wall hangings to the USA. The value shown on each export licence application was £30,885 which represented half the total amount paid at auction for both hangings, ie £61,770, which represented a hammer price of £48,000 plus buyer's premium of £13,770 (inclusive of VAT).

The Keeper of Furniture, Textiles and Fashion at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the wall hangings under the third Waverley criterion on the grounds that they were of outstanding significance for the study of Arts and Crafts in Scotland, Arts and Crafts embroidery, and its relationship to Scottish embroidery.

Melsetter House was designed by the Arts and Crafts architect William R Lethaby for the Birmingham industrialist Thomas Middlemore and his wife Theodosia. It exemplified the principles of the Arts and Crafts movement in the 1890s – built with simplicity and strength by local craftsmen using local materials, and designed to be in harmony with the landscape in which it sat.

The hangings illustrated the importance of embroidery in the Arts and Crafts interior. William and May Morris were responsible for reviving earlier British embroidery traditions, and for elevating the status of embroidery as an art form. May Morris took on the management of the Morris & Co. embroidery workroom at the age of 23 and played a key role in promoting embroidery as a profession, and, unusually for the time, excelled both as a designer and maker. The Melsetter hangings were likely to have been ordered directly from May Morris, and were among her outstanding achievements as a designer. They were almost identical in design, but significantly not colour or materials, to the pair of bed hangings designed by Morris in 1891–92 for her father William Morris's bed at Kelmscott Manor, Oxfordshire.

The hangings were particularly important when seen from a local perspective. They were assumed, on account of the limited provenance details available, to have been part of a decorative scheme at Melsetter House. This scheme, very unusually for Scotland, used many Morris & Co furnishings and textiles including tapestries, embroideries and carpets. There were no other known embroideries and few textiles by Morris & Co in Scottish houses and museums. Finally, the hangings had only recently become known outside the family, having survived by descent until now. This explained their omission from the Morris and Melsetter literature.

The applicant disagreed that the wall hangings met the Waverley criteria. They stated that first, while the hangings under consideration had an interesting provenance, the designs were not original to Melsetter House. They were close copies of those at Kelmscott Manor (open to the public seven months a year), and arguably less successful than the originals. They suggested that May Morris's work deserved to be better represented in non-UK museums and that these duplicates would make perfect ambassadors. Secondly, the hangings did not survive in their original context. Thirdly, UK public collections already contained wide ranging examples of May Morris's output and working practices and these two hangings added neither depth nor breadth to this extant material.

We heard this case in September 2013 when the wall hangings were shown to us. We found that they met the third Waverley criterion on the grounds that they were of outstanding significance for the study of Arts and Crafts in its Silver Age and for the study of the predominantly English aesthetic within a Scottish context. 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 the pair of hangings to be made at the fair matching price of £61,770. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the wall hangings, the deferral period should be extended by a further five months.

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



Above: Death mask of Napoleon Bonaparte

Case 10

Death mask of Napoleon Bonaparte

This death mask, measuring 31.7cm x 15.5cm, is made of plaster, with a wooden stand. A handwritten label (in the hand of R Boys) on the stand reads: 'This Cast was taken from the Face of Napoleon Buonaparte as he lay dead at Longwood St. Helena 7th May 1821 which I do hereby certify/R. Boys M.A. Senr Chaplain/By Rubidge'. The cast is also inscribed inside in pencil 'Rev Mr Boys'.

The applicant had applied to export the death mask to Russia. The value shown on the export licence application was £175,100 which represented a hammer price at auction of £140,000, buyer's premium of £29,250 and VAT on the buyer's premium of £5,850.

The Curator, Department of Prehistory and Europe, at the British Museum, acting as expert adviser, had objected to the export of the death mask under the first Waverley criterion on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune.

The expert adviser stated that the mask, known as the 'Boys Cast', appeared to have been unknown to most authors describing Napoleon's death masks, until its sale at auction on 19 June 2013. Alongside the 'Sankey Cast', held in the Maison Française d'Oxford (an institution run by the French state) it was known to have belonged to Rev Boys, a witness to Napoleon's death on St Helena. The story of the genesis of the death mask was complicated, but it was almost certainly taken by Francis Burton, one of seven British surgeons in attendance at the death of Napoleon, on 7 May 1821, assisted by the painter Joseph William Rubidge. The Boys provenance of the mask distinguished it from other death masks of Napoleon, including the one held in the British Museum, which was believed to be a later cast. No other provenanced death mask of Napoleon was held in any British public collection. The expert adviser noted that Napoleon exerted a continuing fascination as one of the most controversial characters in British history and that the approaching 200th anniversary of the Battle of Waterloo on 18 June 2015 would be marked by numerous events.

The applicant disagreed that the death mask met the Waverley criteria. An identical example of the death mask owned by the Rev Richard Boys, 'The Sankey Cast', given to his daughter Mrs Sankey, had been on long term loan to the University of Oxford since 1926 and was currently housed at the Maison Française in Oxford. In that sense, the Boys cast was a duplicate of one already available to the public. The applicant also stated that there were thought to be six casts of the Napoleon death mask which had direct provenance linking them to St Helena. As the Boys cast had never been exhibited the applicant did not feel its departure would be a misfortune.

We heard this case in October 2013 when the death mask was shown to us. We found that it met the first Waverley criterion on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune. 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 £175,100. 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 death mask, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention by the National Museum of the Royal Navy to raise funds to purchase the death mask. A decision on the export licence application was deferred for a further three months. We were later informed that the National Museum of the Royal Navy had withdrawn its expression of interest. No offer to purchase the death mask was received. An export licence was therefore issued.

Case 11

Sir Anthony van Dyck, *Self-portrait, circa 1640–1*

This self-portrait is in oil on canvas, measuring 59.7cm x 47.3cm. It was presented in a gilt seventeenth-century Italianate/English auricular frame.

The applicant had applied to export the self-portrait to the USA. The value shown on the export licence application was £12,500,000 which represented the price at which the present owner had agreed to sell, subject to the granting of an export licence.

The Director of the Scottish National Portrait Gallery, acting as expert adviser, had objected to the export of the self-portrait under the first and second Waverley criteria, on the grounds that it was so closely connected with our history and national life its departure would be a misfortune, and that it was of outstanding aesthetic importance.

Van Dyck had profoundly enriched the development of portraiture in Britain during his periods of work here (1620–1, 1632–5 and 1635–41) and defined the Caroline court with outstanding skill, grace and insight. He was held in high regard and was provided with a home, an annuity and a knighthood by King Charles I in 1632. The artist served royal and aristocratic patrons and perfectly tailored his work to suit the sense of sophistication and innate nobility they wished to project. Just under 300 paintings dating from his London years were known to exist. This painting was a brilliant expression of his skill. It was dated on stylistic grounds to 1640–1, a time of personal happiness for the artist, prior to an impending illness and political crisis, approximately a year before his death, aged 42.

The expert adviser stated that this self-portrait was one of the finest intimate works from the artist's time in this country, and was a profoundly impressive demonstration of the artist's ability to combine character and confidence. Van Dyck had deftly manipulated the paint in order to create the illusion that the viewer was encountering the subject directly. Moreover, van Dyck had taken the simple and conventional format of a head and shoulders study and brilliantly animated it through the turning, confrontational pose and the elegant and pleasing placement of the design on the silk doublet. Comparison with other examples of relatively pedestrian painted self-portraiture of the period served to highlight the ingenuity and technical accomplishment of this work.

Finally, the painter had produced a number of self-portraits at various points during his career (the earliest dating from 1613–4). The one under consideration became a source of inspiration to other, native artists, both named and unknown. Thirteen copies or versions of it were known, and it had long been acknowledged that van Dyck's work was emulated by Samuel Cooper and William Dobson in their self-portraits.

The applicant neither agreed nor disagreed that the Waverley criteria applied.

We heard this case in September 2013 when the self-portrait was shown to us. We found that it met the first, second and third Waverley criteria on the grounds that it was so closely connected with our history and national life its departure would be a misfortune, that it was of outstanding aesthetic importance, and that it was of outstanding significance for the study of seventeenth century painting and in particular the portraiture of Sir Anthony van Dyck. 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 £12,500,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the self-portrait, the deferral period should be extended by a further five months.

During the initial deferral period, we were informed of a serious intention by the National Portrait Gallery to raise funds to purchase the self-portrait. A decision on the export licence application was deferred for a further five months. Before the end of the second deferral period the export licence application was withdrawn as the potential purchaser who had contracted to buy the painting for £12,500,000 had informed the vendor that they were no longer prepared to complete the purchase. We were subsequently informed that the self-portrait had been purchased for £10,000,000 by the National Portrait Gallery.



Above: Sir Anthony van Dyck,
Self-portrait

Case 12 and 13

Giovanni Battista Lusieri, *Panoramic view of Rome: From Saint Peter's to the Chiesa Nuova*, circa 1778–9

Giovanni Battista Lusieri, *Panoramic view of Rome: From the Capitoline Hill to the Aventine Hill*, circa 1778–9



These two watercolour views of Rome by Giovanni Battista Lusieri (1754–1821) are in pencil, pen, brown ink and watercolour, measuring 545mm x 935mm (*From St Peter's to the Chiesa Nuova*) and 552mm x 978mm (*From the Capitoline Hill to the Aventine Hill*).

The applicant had applied to export the watercolours to the USA. The value shown on the export licence application for *Panoramic view of Rome: From Saint Peter's to the Chiesa Nuova* was £481,875 which represented a hammer price at auction of £400,000 plus buyer's premium of £81,875 and the value shown on the export licence application for *Panoramic view Rome: From the Capitoline Hill to the Aventine Hill* was £361,875 which represented a hammer price at auction of £300,000 plus buyer's premium of £61,875.

The Keeper of Prints and Drawings at the British Museum, acting as expert adviser, had objected to the export of the watercolours under the second and third Waverley criteria on the grounds that they were of outstanding aesthetic importance, and of outstanding significance for the study of the history of watercolour landscape drawing.

The expert adviser quoted Aidan Weston-Lewis's description of the watercolours in his Edinburgh exhibition publication, which he considered best expressed the case in favour of the application of the second Waverley criterion: 'the lucid, crystalline clarity of these cityscapes, with their unerring draughtsmanship and beautifully rendered effects of light and aerial perspective, mark a new lasting departure in Lusieri's approach to landscape, the first real evidence of his penchant for the panoramic'. He noted that the lighting and atmosphere in each of the watercolours was different, and that the sections of the panorama marked the passing of a day from morning to dusk across the Roman skyline. This temporal dimension to the drawings, subtly conveyed, gave these watercolours an interest and importance much greater than mere topography.

The two drawings were recently discovered, but highly significant, additions to the history of the topographical watercolour. They were seminal works in the rise of the 'panoromania' that was to sweep Europe and America at the end of the eighteenth century. The watercolours were amongst Lusieri's earliest works and the fact they were acquired by an English patron was significant. The watercolours were of further interest for the light they might shed on the work of contemporary British artists working in Rome.

The applicant disagreed that the watercolours met the Waverley criteria. They stated that the drawings did not have a close connection to the UK, either in their subject or artist, save in the sense that they were executed for an Englishman. Although the drawings were fine examples of Lusieri's work, they were not considered to be the best in his oeuvre. Executed while Lusieri was still in an experimental phase, his earlier Roman works had less vibrancy and liveliness than the works he executed later in his career in Naples and Greece. Furthermore, Lusieri did not have a great influence on art history or on the development of the panorama as an art form and his works were therefore not crucial to an understanding of the wider developments in this particular field of art history.

We heard this case in November 2013 when the watercolours were shown to us. We found that the watercolours met the second and third Waverley criteria on the grounds that they were of outstanding aesthetic importance and of outstanding significance for the study of the history of landscape watercolour, in particular the work of Giovanni Battista Lusieri, and also for the history of English Grand Tour patronage.

We recommended that the decision on each 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 £481,875 (net of VAT) for *Panoramic view of Rome: From Saint Peter's to the Chiesa Nuova* and £361,875 (net of VAT) for *Panoramic view of Rome: From the Capitoline Hill to the Aventine Hill*. 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 either watercolour, the deferral period should be extended by a further four months.

At the end of the initial deferral period, no offer to purchase *Panoramic view of Rome: From Saint Peter's to the Chiesa Nuova* had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

During the initial deferral period, we were informed of a serious intention by the British Museum to raise funds to purchase *Panoramic view of Rome: From the Capitoline Hill to the Aventine Hill*. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the watercolour had been purchased by the British Museum with assistance from the Art Fund.

Left top: Giovanni Battista Lusieri, *Panoramic view of Rome: From Saint Peter's to the Chiesa Nuova*

Left bottom: Giovanni Battista Lusieri, *Panoramic view of Rome: From the Capitoline Hill to the Aventine Hill*

Case 14

The Monson Catholicon Anglicum

The Catholicon Anglicum is a manuscript on paper containing a bilingual Middle English-Latin dictionary, comprising 191 leaves and measuring 223mm x 53mm. It was produced by an unknown compiler in England, probably in Yorkshire, in 1483.

The applicant had applied to export the manuscript to the USA. The value shown on the export licence application was £92,500 which represented the hammer price at auction of £75,000 plus buyer's premium of £17,500.

The Keeper of Special Collections at the Bodleian Libraries, 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 the development of English lexicography and of education more generally.

The expert adviser stated that the Catholicon Anglicum was simultaneously a document illustrative of national and, in light of its probable Yorkshire origin, of local identities. Its store of 8,000 words provided many ways of studying the culture, social attitudes and beliefs of medieval England. English itself was one of the main components of the history and life of this country. It was a source of national pride and probably our greatest export, conquering the globalized world at a time when the British Empire was fast becoming a fading memory. As far as was known the Catholicon Anglicum survived in only two copies: the present manuscript and 'Add. MS. 15562' in the British Library. The British Library manuscript was inferior – it contained many scribal mistakes – and was defective, having lost leaves in several places.

The expert adviser noted that the manuscript was one of the first general English-Latin dictionaries. It was one of only two fifteenth century dictionaries to take the fundamental step of placing the English words first. These works were produced in a century which saw the foundation of many grammar schools, and it was

important to analyse their contents and structure in terms of their educational function. The richness of the treatment of the Latin equivalents made of the Catholicon not simply a dictionary of English but a tool to assist a growing number of school students with Latin composition. The Catholicon Anglicum was a document of outstanding significance for the study of the development of the English vocabulary and lexicography; it also had an important part to play in the study of the history of education in this country.

The applicant did not disagree that the manuscript was of significant importance for the history of the English language, but they noted that there was an edition of 1881 based on this manuscript. They suggested that as in many other cases, the needs of scholarship and national interest could be met with a full digital facsimile and the physical description placed on record in their catalogue.

We heard this case in November 2013 when the manuscript was shown to us. We found that it met the first and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune and that it was of outstanding significance for the study of the development of English lexicography and of education more generally.

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 £92,500 (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 manuscript, the deferral period should be extended by a further three months.

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

Right: A page from the
Monson Catholicon Anglicum

Alphim. A.

Al. CIA. SODES Amabo me cor.

To Abate mitigare e d'bi to lessm.

Abacuc, p'u nome d'izi Q. D. au. W.

An Abay h' Abacia e.

Abay h' Abbatia e. yonastin e e' d' a gnyst

Abay man h' benobita e

Abbat hic Abbas h' Abbas nomen d'ri.

Abbas h' Abbatissa e Abab. n' d'ri.

Abcy hoc Alphabetu i hoc d'cedazm u

Abert hic habitus to.

to Abide Exptare p'stolari ap'ri # senare. costare

maney. # re. # p'st'le.

Abidryge Imp'bus a u. h' h' p'sedane h' h' h'

ptinax q' Imp'bulz a u. exptare p'stolans.

Abit h' Abide e h' le. d'p'ri a u. conemias. d'p'ri

a u. asom a u. Nonoy a u. h' h' mensuris e h' le.

in Abidryge exptare p'stolaco h' p'p'bitat h' p'su-

ancia i bono. h' p'tinacal e. i malo.

Abilite Abilitas g'neienaa. cognitaa.

Abill to p'p'le d'bi d'p'cedable.

Abill to p'p'le d'bi to p'p'le

Ablatyde. Ablatum e a u.

Abortyde. Abortus a u. Aborty.

A bade. Ipe. q' h' p'p' h' p'p'.

A bade. Ipe. q' h' p'p' h' p'p'.

in Absente. h' Absencia e.

Absent h' h' Absens. h'

Absent Absente g'esse.

to Absent Abducere. Abduc. Absentay. Elongay.

to Absene d'firmere.

Alphim. A.

Alphim. A.



Top: *The Wrestlers* by Massimiliano Soldani-Benzi
Bottom: *The Knife Grinder or Arrotino* by Massimiliano Soldani-Benzi

Case 15

A pair of bronze sculptures by Massimiliano Soldani-Benzi

The sculpture *The Wrestlers* is a bronze figure group (height approximately 91cm) based on the marble group (height 89cm) now in the Tribuna at the Uffizi, Florence. It is signed and dated on the side of the integral base: 'MAXIMILIANUS SOLDANI BENZI FLORENTIÆ 1711'.

The *Knife Grinder*, also known as the *Arrotino* (height approximately 94cm) is similarly based on an ancient marble sculpture (height 105cm) now in the Tribuna, where it has been since 1688. It too is signed and dated on the side of the integral base: 'MAXIMILIANUS SOLDANI BENZI FLORENTIÆ 1711'.

The applicant had applied to export the bronze sculptures to Luxembourg. The value shown on the export licence application was £4,586,506 which represented the pound sterling conversion of the sale price in euros at the time of the export licence application. The applicant confirmed the correct figure should be £4,590,000 which represented an agreed sale price.

The Keeper of Sculpture, Ceramics, Metalwork and Glass at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the bronze sculptures under the second and third Waverley criteria on the grounds that they were of outstanding aesthetic importance and of outstanding significance for the study of the artist's techniques.

The expert adviser stated that these were exceptionally fine monumental bronzes, made for John Churchill, 1st Duke of Marlborough. The precision of modelling, and the chiselling of the hands and facial features, were characteristic of the artist's style. Furthermore, the bronzes were in fact fresh creations, a transmutation of the techniques and effects of marble carving into those of bronze-casting. In translating marble into bronze the artist had effectively created new works of art. The expert adviser noted that the pair of bronzes were especially interesting, in that they were fully documented and had an unbroken provenance. This meant that the artist's techniques could be studied and understood within the context of his other works. Furthermore, the links with the Churchill family and Blenheim meant that these sculptures had a specific historical resonance.

The applicant disagreed that the bronze sculptures met the Waverley criteria. The present bronzes did not have national significance beyond having belonged to an English aristocratic collection. They were not Soldani's original conception, but rather bronze copies after four antique marble sculptures housed in the Tribuna of the Uffizi (two of which remained at Blenheim). While the bronzes were fine examples of Soldani's work, they had to be considered alongside all the other known works by Soldani in British collections. Having been moved to the gardens at Blenheim they were exposed for at least 70 years to the natural elements and had been re-patinated. Furthermore, the applicant noted that while Blenheim Palace as a whole entity was of great historical and scholarly significance as the birthplace of Sir Winston Churchill, the historic and scholarly significance of the palace did not apply to the pair of bronzes by Soldani.

We heard this case in November 2013 when the bronze sculptures 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 of outstanding significance for the study of the history of sculpture, Massimiliano Soldani-Benzi and the development of British aristocratic 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 £4,590,000 (including VAT on the agent's commission). 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 bronze sculptures, the deferral period should be extended by a further four months.

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

Case 16

A Celtic chariot lynch pin

On 6 November 2013 we considered an application to export an Iron Age sword pommel which was later identified as a Celtic chariot lynch pin. We concluded that the Celtic chariot lynch pin satisfied both the second and third Waverley criteria. We were subsequently informed that the Celtic chariot lynch pin had been generously donated to the British Museum by the owner, Mr Costas Paraskevaides, and the application for an export licence was withdrawn. Consequently, no decision on the application has been made by the Secretary of State.



Above: A Celtic chariot lynch pin

Case 17

Benjamin West, *Devout Men Taking the Body of St Stephen*, circa 1773

This painting in oil on canvas measures 567cm x 318cm (framed 607cm x 358cm). Although it was presented unframed, the painting has retained its original carved and gilded Carlo Maratta pattern frame.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £2,226,580 which represented the pound sterling conversion of the asking price of US\$3,500,000 before negotiation at 22 November 2012. Following negotiations the contractually agreed price for the painting was US\$2,850,000 and this was the price at which the present owner had agreed to sell, subject to the granting of an export licence.

The Curator of British Art 1790–1850 at Tate Britain, acting as expert adviser, had objected to the export of the painting under the first and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune and that it was of outstanding significance for the study of the history of art, patronage and of religious worship in Britain and the cultural history of the City of London.

The expert adviser stated that *Devout Men Taking the Body of St Stephen* was an outstanding and extremely rare large-scale example of the revival of British religious art in the latter half of the eighteenth century painted by one of the leading artists of his time. This revival followed two and a half centuries during which visual art in places of worship had been neglected or actively opposed by the Church of England. Benjamin West's role as a pioneer of a new form of literary and narrative painting in British art, his relations with George III and his post as second President of the Royal Academy, made him a figure of major influence. This painting was of outstanding significance to the study of the history of art in Georgian England and the patronage by the Anglican church of the visual arts. It had been a major artistic element in one of Christopher Wren's most important city churches for over 200 years.

The applicant disagreed that the painting met the Waverley criteria. Though important within West's own oeuvre, they regarded it as a 'parody of Old Master styles'. They stated that West was not well-known publicly and speculated that had he not been born in America his position in art history might be even more modest. Furthermore, since its removal from St Stephen's Walbrook in 1985, the painting's absence had hardly raised comment and there remained almost 170 other paintings by West, including ones on a monumental scale, in public collections in the UK.

We heard this case in October 2013 when the painting 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 British art in the second half of the eighteenth century – in general and of Anglican church patronage of British artists, in particular. 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 £1,756,873 which represented \$2,850,000 at the exchange rate of £1=\$1.6222 on 2 October 2013, the date of the hearing. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further four months.

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



Above: Benjamin West, *Devout Men Taking the Body of St Stephen*



Above: Alonso Sánchez Coello, *Portrait of Don Diego, son of King Philip II of Spain*

Case 18

A painting by Alonso Sánchez Coello, *Portrait of Don Diego, son of King Philip II of Spain*, circa 1577

This painting is in oil on canvas, measuring 108cm x 88.2cm. It is signed and dated on the doorpost, lower left: 'Alfonsius Sancius. F. I. 1577'.

The applicant had applied to export the painting to Liechtenstein. The value shown on the export licence application was £6,000,000, which represented the estimated true market value.

The Assistant Director, Collections at The Fitzwilliam Museum, acting as expert adviser, had objected to the export of the painting under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the purposes of study as a rare example of Spanish court portraiture of a child before Velasquez.

The expert adviser stated that Alonso Sánchez Coello was born at Benifairó del Valls, Valencia, in 1531/2. Early in the 1540s he went to Portugal to join his grandfather, who had worked for the Portuguese monarchs for more than 30 years. In 1550 King John III (1502–57) sent him to Flanders to study with Anthonis Mor (Antonio Moro, 1516/20–76). On his return to Lisbon, circa 1552, he entered the service of members of the Royal family where he remained until 1555 when he went to work for the widowed Infanta Juana, Regent of Spain, in Valladolid. She recommended him to Philip II in 1559. In 1560 Sánchez Coello was appointed Pintor de Cámara.

Coello was not exclusively a portrait painter and produced a number of religious paintings, generally inspired by Titian and other Italian painters whose work was known at the Spanish court. His style was a synthesis of the objectivity of the Flemish tradition, which he had learnt from Mor, and the sensuality of Venetian painting, exemplified by Titian.

The dearth of surviving portraits by Coello was in large part due to the fires which destroyed many of his works. The expert adviser said that all Sánchez Coello's surviving portraits had grandeur of composition as befitted the regal or imperial status of his sitters, but his fundamental importance as a court painter was the relative informality, within a formal surround, of his

portraits of the hapless children of Philip II. It would appear that he was the originator of this type of portrait, a type which was to be of fundamental importance to Velasquez.

Philip II (1527–98), who married four times, did not have much luck with his heirs. Don Diego was Anne of Austria's fourth child, born in 1575; however, he died aged seven in 1582. The portrait showed Don Diego in 1577, dressed formally and depicted with the grave seriousness peculiar at times to the very young. His hoped-for military prowess, shown by the spear which he held in his right hand and the hobby-horse which he carried in his left, suggested the royal parents' expectations for his intended future as a Hapsburg monarch. Fear for his health in a family so particularly unlucky in the longevity of its children could be detected in the numerous religious and protective amulets which he wore.

The applicant did not disagree that the painting met the second and third Waverley criteria. However, they did not consider that the painting met the first Waverley criterion. Although the painting was beautiful and was a great masterpiece, there were, according to a schedule they submitted, 12 other paintings by Alonso Sánchez Coello currently held in public collections in the UK, and several of the sitters were of much more significance to this country's history than Don Diego. They added that, in contrast, the painting was closely connected with Austrian history.

We heard this case in January 2013 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 Spanish court portraiture in the sixteenth century and the history of the Hapsburg monarchy. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £3,750,000 (net of VAT). The recommended fair matching price was based on a valuation of \$6,000,000, submitted by the applicant for the Committee's consideration, converted to sterling at the date of the hearing. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further four months.

The applicant made additional representations directly to the Secretary of State regarding the recommended fair matching price and deferral period. The Secretary of State sought the Committee's further advice and the Committee met on 6 March 2013 to consider these representations. Subsequently, following further representations and a further referral from the Secretary of State, the Committee met on 6 November 2013 to consider what it would recommend as a fair matching price at that point in time. The Committee agreed to recommend that a fair matching price for Coello's Portrait of Don Diego as at 6 November 2013 was £4,250,000, and the Secretary of State accepted that recommendation.

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 19

A gilt bronze centrepiece by Gastecloux

This gilt-bronze table centrepiece measures 30.5cm high x 43.5cm wide x 24.5cm deep. It is signed and dated 'D.R.Gastecloux inv.& exec.1768'.

The applicant had applied to export the centrepiece to the USA. The value shown on the export licence application was £295,000 which represented an agreed sale price.

The Deputy Keeper, Department of Sculpture, Metalwork, Ceramics and Glass at the Victoria and Albert Museum, acting as expert adviser, had objected to the export of the centrepiece under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the design and manufacture of luxury gilt bronze in England in the eighteenth century, within a context of immigrant craftsmen and complex international influences.

The expert adviser stated that the Gastecloux centrepiece demonstrated the continuing international network of designers, craftsmen and retailers of Huguenot origin that promoted the exchange of designs across Europe and beyond. The centrepiece was of exceptional design and manufacture, beautifully cast, chased and finished. This was a rare example of a small-scale architectural capriccio realized in metal

in three dimensions. Furthermore it was the only signed and dated eighteenth-century centrepiece in architectural form executed in gilt-bronze associated with London. Its design reflected the continuing European interest in experimental buildings which were often conceived as features in a landscape garden, inspired by Le Jardin Anglais, or temporary structures built to celebrate a particular national event such as a royal birth or a military victory.

It was possible that this centrepiece might have been used for serving sugar or for smouldering perfumed pastilles, but the real significance of the centrepiece lay in the representation of European Baroque and Rococo architectural design of the mid-eighteenth century, which would have been intended as a talking point for cultured guests, reminding them of their European travels and serving as a springboard for conversation.

The applicant did not disagree that the centrepiece might meet the second and third Waverley criteria.

We heard this case in December 2013 when the centrepiece 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 design and manufacture of luxury gilt bronze in England in the eighteenth century, within a context of immigrant craftsmen and complex international influences. 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 £295,000 (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 centrepiece, the deferral period should be extended by a further two months.

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



Above: A gilt bronze centrepiece by Gastecloux

Case 20

Benjamin West, *Milkmaids in St James's Park, Westminster Abbey beyond*, circa 1801

This painting by Benjamin West (1738–1820) is in oil on panel, measuring 100.6cm x 143.5cm.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £217,875 which represented the hammer price at auction plus buyer's premium.

The Curator of British Art 1790–1850 at Tate Britain, acting as expert adviser, had objected to the export of the painting under the third Waverley criterion on the grounds that it was of outstanding significance for the study of art history, social history and the history of London.

The expert adviser stated that this was an extremely rare and important painting of contemporary London life circa 1800, by Benjamin West who was one of the most professionally distinguished artists of the period, President of the Royal Academy and Historical Painter to George III. The painting represented the St James's Park Milk Fair at which milkmaids sold milk direct from the cow, surrounded by an array of fashionable Londoners including dashing uniformed Hussars. It was a highly unusual example of an artistically ambitious urban pastoral scene, and presented a recognisable scene of contemporary life in the metropolis which also aspired to comparison with the Old Masters. It was outstanding as a document depicting social life of London, and relayed culturally potent ideas about the city, the country, the milk fair and the figure of the milkmaid. It was one of only a handful of experimental genre paintings by the artist produced at a key turning point in Benjamin West's career. Furthermore, there were no comparable works by the same artist in any UK public or private collection. It was painted on panel, an unusual support for West, and significantly had been displayed in the artist's home.

The applicant disagreed that the painting met the Waverley criteria. They felt it was very difficult to make a case for the work being closely connected with our history and national life, as views of this location abounded in British landscape painting in the period and this view was not exceptional. Furthermore, they did not consider it to be of outstanding aesthetic importance, given it did not seem to have been especially highly valued by the artist or his public. Finally, they felt that it was unlikely that it would reveal any new information pertaining to the study of St James's Park, Westminster Abbey, or the act of milking cattle in the park.

We heard this case in December 2013 when the painting was shown to us. We found that the painting did not meet any of the Waverley criteria and recommended that an export licence be issued. An export licence was therefore issued.

Case 21

Nicolas Poussin, *The infant Moses trampling upon Pharaoh's Crown*, circa 1645/6

This painting is in oil on canvas, measuring 101cm x 144cm. The applicant had applied to export the painting to Belgium. The value shown on the export licence application was £14,000,000, which represented the agreed sale price.

The Director of the National Gallery, acting as expert adviser, had objected to the export of the painting under the third Waverley criterion on the grounds that it was of outstanding significance for the study of Poussin's art.

The expert adviser stated that the work was one of two autograph variants of the subject, which was painted for Poussin's friend and patron Jean Pointel during the latter's stay in Rome in 1645–7. Poussin painted his other, slightly smaller, version of the subject (together with its pendant *Moses changing Aaron's Rod into a Serpent*) for Camillo Massimi a year or two later. Both Massimi pictures were now in the Louvre. The subject of the present work was rare and derived from an episode in Flavius Josephus's *Antiquities of the Jews*. Poussin had arranged the figures across the picture plane, and frozen into a single moment of time a discourse of emotions indicated mostly by gesture. Pharaoh's daughter Thermutis expresses alarm, while Moses, caught between the sudden movement of the maidservant (his mother?) snatching him, and the raised dagger of the 'sacred scribe', expresses fear. The scribe portrays anger, Pharaoh restraint, and the priests disapproval.

Whilst there were over 30 paintings by Poussin belonging, or on long term loan, to collections accessible to the British public, no single painting was as insistently severe in its colour and composition, or as dehumanising in its figures as the Woburn Abbey version of *The infant Moses trampling upon Pharaoh's Crown*. It would thus afford additional insight into Poussin's art and would also provide an excellent example of the kind of Poussin painting that Roger de Piles (1635–1709), the influential art theorist, was targeting in the debates about painting in France in the years around 1700.

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

We heard this case in December 2013 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 that it was of outstanding significance for the study of Poussin's art. 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 £14,000,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further six months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the painting by a consortium of British regional museums (the 'Consortium'). A decision on the export licence application was deferred for a further six months.

We were later informed that the Consortium had withdrawn its expression of interest, having unsuccessfully tried to find other regional partners to join it. Having consulted with the Champion who confirmed that there had been no other interest expressed in the first deferral period, the Reviewing Committee recommended that there was no useful purpose to be served by continuing with the second deferral period and that an export licence should be issued. The Secretary of State agreed that an export licence should be issued and this was done on 2 July 2014.



Above: Nicolas Poussin, *The infant Moses trampling upon Pharaoh's Crown*

Case 22

An Empire style medal cabinet

This silver-mounted and inlaid amboyna and mahogany medal cabinet, in the gout d'Égypte style, measuring 112cm high x 62cm wide at the widest x 41.5cm deep (with pedestal), dates from circa 1810–14. The silver mounts are by the firm of Martin Guillaume Biennais (1764–1843), whose mark is engraved on the lock plate: 'Biennais, Orfre de LL. M. M. Imples et Royles à Paris'.

The applicant had applied to export the medal cabinet to the USA. The value shown on the export licence application was £550,000 – an approximate pound sterling conversion of \$875,000 at the time of the licence application – which represented an agreed sale price.

The Curator of Eighteenth Century French Decorative Arts at the Wallace Collection, acting as expert adviser, had objected to the export of the medal cabinet under the second and third Waverley criteria, on the grounds that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the history of design, particularly the interest in the Egyptian Revival throughout much of Europe in the period 1800–15, and the influence of archaeology in the decorative arts during the Empire period.

The expert adviser stated that the medal cabinet was of extraordinarily refined design, executed with stunning simplicity and with the utmost skill and finesse. It was difficult to over-state the significance of the object in design terms. The engraved silver mounts, bearing the mark registered by the firm Biennais, particularly conveyed the quality of the object. The expert adviser confirmed the applicant's view that there was no reason to suppose that the cabinet was not entirely the work of that firm. The extraordinarily close resemblance of the upper part of the cabinet to a plate in Baron Dominique Vivant-Denon's celebrated album, *Voyage dans la basse et haute Égypte pendant les campagnes du Général Bonaparte*, published in 1802, was an exemplary illustration of the way in which archaeology drove design in the decorative arts during the Empire period. Denon was a major influence behind the cabinet's production and may even have designed it himself. Additionally, the cabinet illustrated eighteenth century French and British interest in collecting antique and contemporary medals, reflected in Napoleon's own passion for commemorative medals.

The applicant did not disagree that the medal cabinet met the Waverley criteria.

We heard this case in December 2013 when the medal cabinet 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 that it was of outstanding significance for the study of the history of design, particularly the popularity of the Egyptian Revival and the influence of archaeology in the decorative arts during the Empire 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 £534,537.50 (net of VAT). This represented US\$875,000 at the exchange rate of £1=US\$1.6369 on 4 December 2013, the date of the hearing. The applicant suggested that the matching price should be rounded down to £534,000 (net of VAT) and the Committee agreed. 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 medal cabinet, the deferral period should be extended by a further four months.

During the initial deferral period, we were informed of a serious intention by the Victoria and Albert Museum to raise funds to purchase the medal cabinet. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the medal cabinet had been purchased by the Victoria and Albert Museum with assistance from the Art Fund and a number of private donors and organisations.

Right: An Empire style medal cabinet





Above: Charles Le Brun, *Portrait of Everhard Jabach and family*

Case 23

Charles Le Brun, *Portrait of Everhard Jabach and family*, circa 1659–60

This painting is in oil on canvas, measuring 92 x 128 inches (233.5cm x 325cm).

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £7,300,000 which represented the price agreed through a private sale, subject to the granting of an export licence.

The Director and the Curator of Seventeenth and Eighteenth Century French Painting at the National Gallery, acting as expert advisers, had objected to the export of the painting under the second and third Waverley criteria, on the grounds that it was of outstanding aesthetic importance, and that it was of outstanding significance for the study of group portraiture in Europe in the seventeenth century.

The expert adviser stated that *Portrait of Everhard Jabach and family* by Charles Le Brun, was a masterpiece of group portraiture. Everhard Jabach, a wealthy banker from Cologne, had settled in Paris in 1638 and became Cardinal Mazarin's banker in 1642. The present picture was one of two versions, the other (seen by Sir Joshua Reynolds in Cologne in 1781) having been given by Jabach to his brother-in-law Heinrich and probably destroyed in 1945 in the Kaiser-Friedrich Museum, Berlin.

Le Brun's group portrait of Jabach's family had been structured with extraordinary skill, enriched by a meaningful iconography and animated by a subtle variety of poses and expressions. The artist had enhanced the painting's meaning by creating compositional links between learning and members of the Jabach family, with the inclusion of various objects including a celestial globe, a closed Bible, a book of geometrical drawings and most prominently a bust of Minerva. Positioned strategically between the bust of Minerva and Jabach was Le Brun's self-portrait reflected in a mirror, referring to the close relationship between patron and painter. A gender divide had also been suggested by the division of the floor between a carpeted area and an area of marble. It was a culminating point in Le Brun's activity as a portraitist, having recently been described as a French *Las Meninas*.

There was only a handful of paintings by Le Brun in British public collections, none of which were portraits. Only one other surviving group portrait by Le Brun was

known, and no other family group portrait. The depiction of such affective relationships in informal, dynamic poses in seventeenth-century group family portraits was a practice of Northern artists, and the portrait would offer the British public the opportunity to appreciate how the artist could brilliantly assimilate the lessons of Northern painting into the type of rigorous composition associated with French painting in the middle of the seventeenth century.

The applicant disagreed that the painting met the Waverley criteria. The portrait was not a work directly pertinent to the history of British art, having had no impact on British painting and having been overlooked by scholars. Given the portrait was by a French artist of a German sitter whose importance with regards to the history of collecting in Britain was negligible, the painting did not have a particularly close connection to either our history or our national life. The picture had never been exhibited publicly in the UK since its sale at Christie's in 1816, nor had it ever been the subject of scholarly debate or discussion in this country. There had been no interest in tracing its British provenance, or in bringing it to a wider audience in this country. Additionally, the picture's aesthetic qualities had been compromised by its condition.

The picture was clearly of historic interest, but there were other works by the artist in the UK, including paintings that might be thought to represent his contribution to the history of art rather more so than this portrait. As much had already been written about the artist, the sitter and this particular composition, it was unlikely that further study of this painting would enhance its significance.

We heard this case in January 2014 when the painting was shown to us. We found that it met the second and third Waverley criteria, on the basis that it was of outstanding aesthetic importance and of outstanding significance for the study of group portraiture in Europe in the seventeenth century. 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 £7,300,000. 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 painting, the deferral period should be extended by a further five 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 24

Gwen John, *Portrait of the Artist's Sister Winifred*

This painting by Gwen John (1876–1939) is in oil on canvas, measuring 18 x 16 inches (25¾ x 23 inches framed).

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £295,000 which represented the price at which the present owner had bought the picture through a private sale.

The Curator of British Art 1790–1850 at Tate Britain, acting as expert adviser, had objected to the export of the painting under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance, and that it was of outstanding significance for the study of Gwen John's early stylistic development including in her depiction of *Intimiste* portrait interiors, and the experience and education of women artists at the turn of the century.

The expert adviser stated that Gwen John was acknowledged as one of the outstanding British artists of the early decades of the 20th century. Her surviving oeuvre was small due to her focused and painstaking method of working, and oil paintings from the period 1897–8, when she produced her first fully resolved works, were exceptionally rare. Only two major works existed from this period: *Portrait of the Artist's Sister Winifred* and *Portrait of Mrs Atkinson*, circa 1897–8 (Metropolitan Museum of Art, New York). The two major repositories of her work in Britain were the National Museum Wales and Tate, neither of which had a work from this crucial early part of her career. The present work was an exceptionally fine example of John's early style when she painted in thin layered glazes, before she adopted the dry mosaic-like application of paint that characterized her later work. Despite its early date the work already demonstrated key features of her later oeuvre such as the subject matter of a single female figure in an interior, a restricted tonal palette and asymmetric composition. It had been shown in every major exhibition of the artist's work.

Gwen John was one of a number of significant early 20th century women artists who were now being given their proper place in the narrative of British art, and whose life and work allowed a closer examination of the networks and discourses that shaped the careers and oeuvres of women artists, and their significant contributions to aesthetic and social debates in the period.

The importance of increased access to art education for women artists in this period was a significant area of investigation for scholars. Painted while John was an art student, *Portrait of the Artist's Sister Winifred* was an important example of late nineteenth-century art school practice and illustrated how increased visibility for women artists was driven by access to art education through institutions such as the Slade School of Fine Art, where women artists were able to train on equal terms with men and to develop connections which gave them greater access to exhibiting opportunities and patronage.

The applicant disagreed that the painting met the Waverley criteria. First, there were several works by Gwen John in public collections in the UK, namely Sheffield City Art Gallery, Tenby Museum and the National Museum Wales. Secondly, the artist's early work was technically and stylistically non-comparable with her later work for which she was best known. Finally, Tate owned many works by her as did the National Museum Wales, which were accessible to the public. As Gwen John was so well represented in public collections, they did not believe this particular work was of outstanding significance for the study of art, learning or history. When questioned about the surface of the painting, the applicant agreed that the top surfaces, possibly some glazes, seemed to have been lost.

We heard this case in February 2014 when the painting was shown to us. We found that the painting did not meet any of the Waverley criteria and recommended that an export licence be issued. An export licence was therefore issued.

Case 25

A collection of works by Thomas Baines, North Australian Expedition 1855–7

This collection of works by Thomas Baines (1820–75) included: 21 oil paintings on canvas, all measuring 45.1cm x 66cm; four notebooks containing a letter, studio photograph of Baines and 272 drawings and watercolours, mainly of North-Western Australia but also of Port Jackson, Timor and other Indonesian islands, and all taken in the course of Arthur Gregory's expedition to northern Australia in 1855–6; nine folding panoramas; seven unframed drawings and watercolours of various sizes; and one chart and route traverse in pencil, pen, ink and watercolour showing the tracks of the ships involved in the expedition, measuring overall 124.5cm x 155.6cm.

The applicant had applied to export the collection to Australia. The value shown on the export licence application was £4,200,000 which represented the price agreed for a private sale, subject to the granting of an export licence.

The Head of Cartographic and Topographical Materials at the British Library had objected to the export of the collection under the first Waverley criterion, on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune.

The expert adviser had provided a written submission stating that between 1841 and the early 1860s, Baines worked as artist to a succession of British expeditions, initially to Australia and later in Africa, where he accompanied David Livingstone. The paintings and watercolours under consideration were commissioned by the Royal Geographical Society, which played a large part in inspiring and financing the Gregory expedition to northern Australia of 1855–6. They were delivered to the Royal Geographical Society by Baines on his return to the UK in 1857, and had remained an important part of the Society's outstanding archive relating to exploration, and particularly featuring the papers of Speke and Livingstone, ever since.

The expert adviser stated that these images extended the range of exploration art beyond the limits set by previous expedition artists. While the subject matter of many of the paintings and drawings was primarily intended for information purposes – showing episodes during the Gregory expedition, the landscapes and the peoples encountered – many of the depictions were so overlaid with specifically Victorian sensibilities, ethics and cultural assumptions as to shed important light as much on mid-nineteenth century Britain as on the landscape and peoples of northern Australia, which were the official objective of Gregory's mission (though a sizeable percentage of the Baines collection related to Indonesia and not Australia). Because of its completeness, the export of this collection would represent a severe loss for future researchers investigating the phenomenon of British exploration and (its usual concomitant) colonisation at the height of Empire. The expert adviser accepted at the hearing that while technically the Royal Geographical Society may not have commissioned the expedition, they were extremely closely associated with it.

The applicant stated that they did not agree that the collection met the Waverley criteria. In their view, while sponsored by the British Government, this imperial

exploration of such remote land was no more than a footnote in British colonial history. Baines's artwork from this expedition was the work of an enthusiastic amateur, in the service of science, his artwork originally envisaged to illustrate and contribute to the expedition's scientific results (the artwork in fact remained unpublished). As such, neither this artwork nor its subjects could in their view be described as closely connected with our history or with our national life. Baines was never professionally trained and did not work or exhibit within the artistic establishment in England. His work concentrated on delivering information, mostly of a scientific nature, rather than seeking aesthetic effects, and could not therefore be described as being of outstanding aesthetic importance. While the collection was a fine gathering of topographical art depicting early and wide ranging views of Australia, Timor and Java, it was incomplete, uneven in quality and condition and included much incidental information of secondary or lesser importance. It could not therefore be accurately described as being of outstanding significance for the study of some particular branch of art, learning or history.

This case was brought before the Reviewing Committee on two separate occasions: we first heard this case in January 2013 when the collection was shown to us; however, the hearing was adjourned prior to any consideration of the significance of the collection while the question of ownership was considered. We subsequently heard the case in June 2013 and found that the collection met the third Waverley criterion, on the grounds that it was of outstanding significance for the study of British Colonial history and the exploration of Australia in the mid-nineteenth century. 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 £4,200,000 (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 collection, the deferral period should be extended by a further six months.

At the end of the initial deferral period, no offer to purchase the collection had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued; however, we were informed that the material was not ultimately exported. Subsequently, a new licence application was received and considered outside the reporting period of the present report.



Above: Two paintings from a collection of works by Thomas Baines, North Australian Expedition 1855–7

Case 26

The Norman Album: images from the life of Julia Margaret Cameron

In July 2013, we considered an application to export *The Norman Album* of images from the life of Julia Margaret Cameron, dating from 1869 and measuring 45.9cm by 31.4cm. The album contains 75 photographs taken between 1864 and 1869. We concluded that the album satisfied all three Waverley criteria. The application for an export licence was subsequently withdrawn. Consequently, no decision on the application has been made by the Secretary of State.

Case 27

An Iron Age bronze mirror

Please see overleaf.

Case 28

A pair of Himalayan bronze fantastical lion dogs

On 23 April 2014 we considered an application to export a pair of Himalayan bronze fantastical lion dogs, believed to date from the eighteenth century and measuring 27cm high. We concluded that the lion dogs satisfied the third Waverley criterion. The application for an export licence was subsequently withdrawn. Consequently, no decision on the application has been made by the Secretary of State.



Above: An Iron Age bronze mirror

Case 27

An Iron Age bronze mirror

This mirror is made of copper-alloy, inscribed on the back with a complex arrangement of Celtic art motifs ordered in a lyre-loop pattern, and is believed to have been found in Didcot, Oxfordshire. The mirror plate is 184mm in diameter, with an overall length including the handle of 271.5mm. The mirror probably dates to circa 75–25 BC.

The applicant had applied to export the mirror to the USA. The value shown on the export licence application was £33,000 which represented the agreed sale price, subject to the granting of an export licence.

The Curator of European Iron Age Collections at the British Museum, acting as expert adviser, had objected to the export of the mirror under the first, second and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune, that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of Iron Age Britain and Iron Age mirrors.

The expert adviser stated that mirrors were first made in Britain during the later Iron Age (300 BC–AD 50), and were some of the most recognisable objects of the period. The Didcot mirror was of outstanding importance to the local history of Oxfordshire, being the only Iron Age mirror to have been discovered in the county. The mirror was overall in very good condition (although some conservation work was visible), beautifully decorated and was a rare and unusual example of an art style which had originated and developed in southern England during the second and first centuries BC. The decoration on its plate was arranged in a highly unusual manner that managed to conform and yet at the same time to challenge some of the established design rules of the 'mirror style', a recognised style of Celtic art unique to the later British Iron Age.

The Didcot mirror was critical to our understanding of a highly recognisable and important artefact type central to our interpretation of the history and culture of Iron Age Britain, particularly of the social changes which occurred in the century before the Roman conquest

in AD 43. Mirrors were among a small number of types of object, alongside display shields and torcs, which defined the British Iron Age. Only 17 other complete, decorated mirrors were known from Britain, all of which were in national or local museums. Mirrors were outstanding examples of Celtic art, and often a focus for school parties during museum learning about the later Iron Age and early Roman periods in the national curriculum.

The applicant disagreed that the mirror met the Waverley criteria. It was not of outstanding aesthetic importance as it was one of the least artistically accomplished of all known mirrors of this type. It was a typically British Iron Age artefact, but it was of a type well represented in British museums. Additionally, the find spot was by repute only and no archaeological excavation had been carried out, which would have increased our knowledge and the value of the object to the UK.

We heard this case in March 2014 when the mirror 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 Iron Age Britain, the development of decorative styles in the period, and the evolution of Iron Age mirrors. 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 £33,000 (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 mirror, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention by the Oxfordshire Museum Services to raise funds to purchase the mirror. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the mirror had been purchased by the Oxfordshire Museum Services with assistance from the Arts Council England/V&A Purchase Grant Fund, The Headley Trust, Wartski the Court jewellers, The Friends of Oxfordshire Museum and numerous private trusts and donors.

Export of Objects
of Cultural Interest
2013/14

Appendices

Appendix A

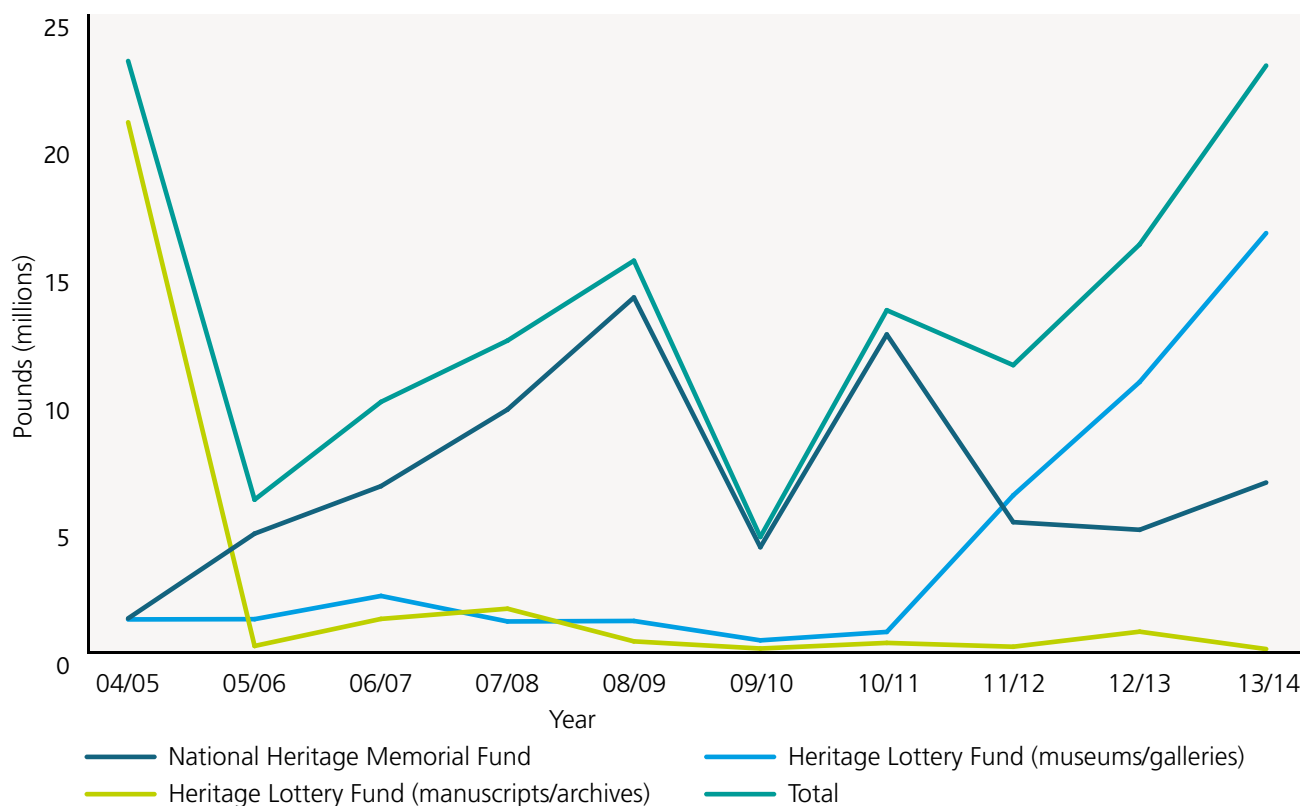
Report on additional funding for acquisitions

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 money provided by the main funding bodies for all acquisitions of cultural objects are listed below, and the tables at Appendix H give specific details of the funding received for export-deferred items.

Year	National Heritage Memorial Fund (£ millions)	Heritage Lottery Fund (museums/galleries) (£ millions)	Heritage Lottery Fund (manuscripts/archives) (£ millions)	Total (£ millions)	Total adjusted for inflation as per 2014 (£ millions) approximate*
2004/05	1.22	1.18	20.65	23.05	30.88
2005/06	4.54	1.19	0.14	5.87	7.64
2006/07	6.4	2.1	1.2	9.7	12.24
2007/08	9.4	1.1	1.6	12.1	14.64
2008/09	13.79	1.12	0.32	15.23	17.73
2009/10	4.01	0.36	0.04	4.41	5.16
2010/11	12.34	0.69	0.26	13.29	14.86
2011/12	4.99	6.04	0.11	11.14	11.84
2012/13	4.69	10.48	0.7	15.87	16.35
2013/14	6.54	16.31	0.019	22.87	22.87

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

National Heritage Memorial Fund and Heritage Lottery Fund spend on acquisitions 2004/05 to 2013/14



i) The National Heritage Memorial Fund

The National Heritage Memorial Fund, set up under the National Heritage Act 1980 in memory of the people who gave their lives for the UK, acts 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 National Heritage Memorial Fund's grant-in-aid since 2010/11 has been £5 million and where necessary it uses its endowment fund for exceptional cases.

In the period of this report the National Heritage Memorial Fund was asked to support one item which was deferred during the year, a ring belonging to the writer Jane Austen. However on this occasion the museum wishing to acquire the ring, Jane Austen's House Museum, raised the funds without resort to the National Heritage Memorial Fund.

Outwith export-deferred items, this year the National Heritage Memorial Fund funded three acquisitions of documents, manuscripts or archives. The Wordsworth Trust secured a substantial collection of the naturalist Thomas Bewick's private papers revealing how his work was shaped by his surroundings. The Canning Family Archive was acquired by the British Library. The archive contains the papers of George and Charles Canning alongside those that married into the family. Overall the archive, acquired by the British Library, illuminates many of the significant political and social great events of the nineteenth century. Finally this year the Codex Zacynthius was acquired for Cambridge University Library. The Codex contains the oldest known example of a New Testament manuscript with a catena, or commentary, written alongside the text rather than in a separate document. It is therefore of great significance to the history of biblical interpretation and the study of how early Christianity was spread.

ii) The Heritage Lottery Fund

The Heritage Lottery Fund is the largest funder of the UK's heritage, with around £375 million a year to distribute. This year it funded £6.3 million to the National Portrait Gallery to secure van Dyck's last self-portrait (1640–1). The portrait will embark on a three-year nationwide tour starting at Turner Contemporary, Margate, before going on to Manchester Art Gallery, Dulwich Picture Gallery, Birmingham Museum & Art Gallery, Laing Art Gallery, Newcastle-upon-Tyne and The Scottish National Portrait Gallery, Edinburgh.

The Heritage Lottery Fund also secured a number of other acquisitions this year ranging from Amgueddfa Cymru (National Museum of Wales) acquiring 20 outstanding images of Wales by John Piper, which portray the landscape and geology of north Wales, to a rare early 1960s collage by Kenneth Halliwell for Islington Museum. In addition the Fry Art Gallery in Saffron Walden acquired five scrapbooks created by Edward Bawden totalling over 700 pages of ephemera, preparatory drawings, and finished works, and Birmingham Museum and Art Gallery acquired a portrait of Dr Erasmus Darwin by Joseph Wright of Derby.

The Heritage Lottery Fund ran a second round of the successful Collecting Cultures programme to support museums, libraries and archives to develop their collections through strategic targeted acquisitions. Awards for that programme will be made in September 2014.

The table on page 65 and the graph on page 66 set out the figures for the National Heritage Memorial Fund's and the Heritage Lottery Fund's overall commitment to acquisitions, including grants awarded for the acquisition of manuscripts and archive material. Details of awards for the acquisition of export-deferred items are at Appendix H (page 82).

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. In 2013/14 the Art Fund contributed towards the acquisition of four cases placed under temporary deferral. These were a pair of wall hangings by May Morris (case 9), a self-portrait by Sir Anthony van Dyck (case 11), *Panoramic view of Rome: From the Capitoline Hill to the Aventine Hill* – one of two paintings by Giovanni Battista Lusieri (case 13) – and an Empire medal cabinet made after designs by Dominique-Vivant Denon and Charles Percier (case 22). Details are at Appendix H.

iv) The Arts Council England/V&A Purchase Grant Fund

The Arts Council England/V&A Purchase Grant Fund assists the collections of non-national museums, galleries, specialist libraries and record offices in England and Wales. In 2013/14 only one item which had been placed under deferral was supported. This was an Iron Age bronze mirror (case 27). Details are at Appendix H.

v) The National Fund for Acquisitions

The National Fund for Acquisitions, provided by Scottish Government to the Trustees of National Museums Scotland, contributes towards the acquisition of objects for the collections of non-national museums, galleries, libraries and archives in Scotland. In 2013/14 the fund made 63 payments totalling £111,112, enabling 26 organisations to make acquisitions costing £367,271. At 31 March 2014 a further 14 awards totalling £74,222 had been committed but not yet paid. It was not asked to support any export deferred items in the reporting year.

vii) The Acceptance in Lieu scheme and the Cultural Gifts Scheme

The Acceptance in Lieu scheme enables UK taxpayers to transfer important works of art and other important heritage objects into public ownership while paying Inheritance Tax, or one of its earlier forms. The taxpayer is given the full open market value of the item. The Cultural Gifts Scheme opened in early 2013 and enables UK taxpayers to donate important works of art and heritage objects to the nation during their lifetime. Donors receive a tax reduction based on a set percentage of the value of the object they are donating – this is 30 per cent where the donor is an individual and 20 per cent where the donor is a company. In 2013/14, 27 Acceptance in Lieu and Cultural Gift Scheme cases were completed, resulting in almost £45 million worth of important objects and archives being secured for the nation. Details are in its 2013/14 report available on the Arts Council website.

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 it offers a sweetener to owners to encourage

them to offer such objects direct to museums. This is known colloquially as the 'douceur' under which the benefits of the tax exemption 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 of the Inheritance Tax Act 1984 lists those museums which 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 J for full details).

The Advisory Council is normally convened annually and met most recently on 11 June 2014. The main issue discussed was art and cultural property crime and the enforcement of control on cultural property at the borders. The Council also considered the draft policy section of the Reviewing Committee's Annual Report for 2013/14. 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 L.

The Working Party usually meets annually, although it may meet more frequently if necessary. It met most recently on 20 May 2014 when it considered the export control system and the dispersal of collections, particularly in relation to the James Wolfe archive (case 5), the loss of which to the nation was felt by the Working Party to be regrettable. The Working Party also discussed the progress of the online export licence application system, temporary export licences, and the retention of reserved copies of manuscripts, including copies in digital form.

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 Arts Council England/V&A Purchase Grant Fund, the PRISM Fund, the Friends of the National Libraries, the Secretary of the Acceptance in Lieu Panel and The National Archives Sales Monitoring Service. The Heritage Lottery Fund and National Heritage Memorial Fund provided details of funding towards archival and manuscript material.

i) The Arts Council England/V&A Purchase Grant Fund

During 2013/14, the Arts Council England/V&A Purchase Grant Fund considered 25 cases in respect of manuscript material and offered 15 grants totalling £109,117, enabling purchases of just under £640,000 to go ahead. The budget for the Fund overall remained at £750,000, which was welcome in the current financial climate. There was a very high proportion of auction cases (64 per cent – twice the percentage on the Fund overall) due, mostly, to the multiple application from Durham Record Office for items from the sale of the contents of the Morant family home in Northumberland.

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 2013/14, a total of £49,454 was spent on three archive projects. The Fund made two grants towards the acquisition of archival or similar material, totalling £40,000, for the acquisition by the Bodleian Library, Oxford University, of William Fox Talbot's personal archive, and for the acquisition by the West Glamorgan Archive Service of the Neath Abbey Ironworks Collection, and one grant of £9,454 to Combe Down Heritage Society for the rehousing of the industrial history archive.

iii) The Friends of the National Libraries

The Friends of the National Libraries 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 38 grants to 31 institutions in 2013, totalling £173,999 from the operating fund and £28,992 from the restricted funds. Over £130,000 was awarded to university libraries, county record offices and smaller institutions.

iv) The Heritage Lottery Fund and National Heritage Memorial Fund

In the financial year 2013/14, the Heritage Lottery Fund made a grant of £19,000 to Durham County Record Office for the Morant family collection – archives and family papers of three generations of the Morant family of Hexham with significant material related to the Durham Light Infantry and the First World War. It also funded seven projects associated with literary heritage. The National Heritage Memorial Fund made three awards for the acquisition of documents, manuscripts or archives in the financial year 2013/14 totalling £1,367,000. These were grants to: the Wordsworth Trust for the collection of the naturalist Thomas Bewick's private papers; the British Library for the Canning Family Archive; and Cambridge University Library for the Codex Zacynthius.

v) Acceptance in Lieu

The Acceptance in Lieu scheme is also an important means of retaining archival material within the UK. During 2013/14 the Acceptance in Lieu scheme brought into public ownership one archive. This was the archive of the Chester of Chicheley family papers, documenting the Chester family as a characteristic member of the landed gentry in the seventeenth and eighteenth centuries, which was deemed to be of outstanding significance for the study of Bedfordshire and Buckinghamshire. Information on all works of art and the archives accepted through the scheme in 2013/14 can be found on the Arts Council England's website at 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 and the Working Party commends the assistance it gives to them. In 2013/14, 77 items were purchased by 35 different repositories as a result of notifications. However there were 26 unsuccessful bids, as repositories were outbid or dealers had already disposed of stock.

vii) Cultural Gifts Scheme

The introduction of the Cultural Gifts Scheme in early 2013 was a significant and welcome development, and the first item to be acquired by the nation under it consisted of manuscript material, the Hunter Davies Beatles Collection. No documental or archival material was acquired by the nation under the scheme in the year 2013/14.

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 2004/05 to 2012/13.

(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)
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 ¹	14 ²	74	11.8	4	21	10.7
2007/08	18	16	9 ³	56	2.5	7	44	12.8
2008/09	22	16	9	56	1.5	7	44	14.2
2009/10	14 ⁴	13 ⁵	7	54	10.1	6	46	60.8
2010/11	18 ⁶	14 ⁷	7	50	5.9	7	50	65.8
2011/12	11	7	4	57	29.8	3	43	44.8
2012/13	24	19 ⁸	7	37	11.2	12 ⁹	63	103.5
2013/14	29	22 ¹⁰	8 ¹¹	36	13.9	14	64	66.9
Totals	218	168	89	53	111.2	78	46	417

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

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

³ 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.

⁴ Excludes one case which was carried over to 2010/11.

⁵ Excludes one case which was carried over to 2010/11.

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

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

⁸ Includes one case which was considered in 2011/12 but referred to the Secretary of State in 2012/13.

⁹ Includes one case where the applicant was informed that a licence could be issued but decided to continue negotiations with a UK purchaser. To date an export licence has not been issued.

¹⁰ Includes one case which was initially considered in 2012/13 but gave rise to issues that were resolved in 2013/14.

¹¹ Includes one case where the export licence was withdrawn but the item was subsequently purchased.

Table 2

The statistics below show the figures for the values associated with cases from 2004/5 to 2012/13.

(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 (4) ¹	(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)
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 ²	24.5	12	7	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 ³	71.5	6	10.1	14	1	0.6
2010/11	14 ⁴	71.7	4	3.8	5	3	2.1
2011/12	7	74.6	4	29.8	40	0	0
2012/13	19 ⁵	114.8	6	11.2	10	1	0.04
2013/14	22	80.7	8	13.9	17	1	12.5 ⁶
Totals	168	530.8	76	92.8	17.5	17	32.44

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

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

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

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

⁵ Includes one case which was considered in 2011/12.

⁶ Deferred at £12,500,000, export licence application was withdrawn and the item was subsequently purchased for £10,000,000.

Appendix B

History of export controls in the UK

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

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

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 Appendix B for revised terms of reference).

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

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-handed 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 C

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 D

Membership of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest during 2013/14

Sir Hayden Phillips GCB DL (Chair)

Sir Hayden Phillips is the Independent Reviewer of the Adjudications of the Advertising Standards Authority. He is also a Director of the Energy Saving Trust and of St Just Farms Ltd, and Chair of the Digital Cinema Funding Partnership and of the Apsley House Management Committee. He is a Deputy Lieutenant of Wiltshire, a Lay Canon of Salisbury Cathedral and Chair of its Fabric Advisory Committee. He was Chair of the National Theatre from 2004–10. Sir Hayden's previous career was in the Civil Service, latterly heading two Departments as Permanent Secretary – the Department for Culture, Media and Sport from 1992 to 1998, and the Lord Chancellor's Department (now the Ministry of Justice) from 1998 to 2004. He has recently been invited to chair the selection process for the board of the new Independent Press Standards Organisation.

Appointed 17 March 2014; appointment expires on 16 March 2019

Lord Inglewood (outgoing Chair)

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 Chair 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 expired 24 February 2014

Richard Calvocoressi

Richard Calvocoressi, Director of The Henry Moore Foundation since 2007 and former Keeper, and then Director, of the Scottish National Gallery of Modern Art (1987–2007), was originally a curator at the Tate Gallery (1979–87), where he was responsible for building up the collections of pre- and post-war European art. He also organised major exhibitions of Jean Tinguely (1982) and Oskar Kokoschka (1986). In Scotland he acquired important international collections of dada and surrealist art from the estates of Roland Penrose and Gabrielle Keiller and was instrumental in attracting the Anthony d'Offay gift to Edinburgh and London. In 2004 the SNGMA was awarded the Gulbenkian Museum of the Year Award (now the Art Fund Prize) for its commissioning of Charles Jencks's Landform. Richard Calvocoressi has also published on various artists including Francis Bacon, Georg Baselitz, Reg Butler, Lucian Freud, Anselm Kiefer, Paul Klee, René Magritte, Lee Miller and Henry Moore. He is an Expert Member of the Comité Magritte, a Member of the Francis Bacon Catalogue Raisonné Committee and a Trustee of the Art Fund. In 2008 he was awarded a CBE for services to the arts, particularly in Scotland.

Appointed 13 November 2012; appointment expires 12 November 2016

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 1989–99. From 1999–2003 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 2018

Simon Swynfen Jervis

Simon Swynfen Jervis is currently a Director and Trustee of the Burlington Magazine, Chair of the Furniture History Society, Chair of the Walpole Society and Chair 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 Chair 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 2015

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 sixteenth and seventeenth 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 seventeenth to 20th centuries. His specialist area of expertise is the art market and British works of the seventeenth to 20th centuries.

Appointed 3 June 2011; appointment expires 2 June 2015

Leslie Webster

Formerly Keeper (Head) of the Department of Prehistory and Europe, Leslie Webster has spent her career as a senior curator at the British Museum, overseeing the early medieval collections and specialising in Anglo-Saxon and Viking material culture. She is currently an Honorary Visiting Professor at the Institute of Archaeology, UCL. She has co-curated four major exhibitions on early medieval themes at the British Museum, and also commissioned and co-ordinated a series of five thematically linked exhibitions in five major European museums, as part of the European Science Foundation's Transformation of the Roman World AD 400–900 Project. Since her retirement from the British Museum in 2007, she has continued to publish and lecture on Anglo-Saxon art and archaeology, on which she is an internationally acknowledged authority. Her latest book, published in 2012, is *Anglo-Saxon Art: A New History*. She has served as a Trustee and in an advisory capacity on many academic and specialist bodies, including the Society of Antiquaries of London, of which she is currently a Trustee, and the Society for Medieval Archaeology, where she served as President from 2007–10. Other advisory work has included the Bede's World Museological and Academic Advisory Committee, the English Heritage Museums and Archives Advisory Panel, and the Portable Antiquities Advisory Group. She is currently the Chair of the Staffordshire Hoard Research Advisory Panel, which has been set up to oversee the research and publication of this major Anglo-Saxon find, and has recently been appointed to the National Heritage Memorial Fund Advisory Panel.

Appointed 18 February 2013; appointment expires 17 February 2017

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) as editor, *Sir Robert Cotton as Collector: Essays on an Early Stuart Courtier* (1997), and as co-editor, *The Victoria Cross and the George Cross, The Complete History* (2013). 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 (2001–5) and was on the Council of the Friends of the National Libraries (2003–6). From August 2005 he has been a Trustee of 'The Handwriting of Italian Humanists'. In October 2005, he was appointed to the Acceptance in Lieu Panel.

Appointed 20 November 2006; appointment expires on 19 November 2014

Appendix E

List of independent assessors who attended meetings during 2013/14

Ros Allwood , Cultural Services Manager, North Herts Museums Service	Case 1
Martin Barnes , Senior Curator, Photographs, Victoria and Albert Museum	Case 26
Jean-Luc Baroni , Jean-Luc Baroni Ltd	Case 12 and 13
Charles Beddington , Independent Consultant	Case 12 and 13
Hugh Belsey MBE , The Paul Mellon Centre for Studies in British Art	Case 17
Hugh Bett , Maggs Bros Ltd	Case 25
Rufus Bird , Deputy Surveyor of the Queen's Works of Art	Case 19, 22
Dr Xavier Bray , Chief Curator, Dulwich Picture Gallery	Case 18
David Burgess-Wise , Author and Motoring Historian	Case 3
Professor James Carley , Distinguished Research Professor, York University, Toronto	Case 6
Zelda Cheatle , Photography Consultant	Case 26
Dr John Clarke , Curator, South and South-East Asia Department, Victoria & Albert Museum	Case 28
Professor Stephen Conway , Head of Department of History, University College London	Case 5
Professor David Davies , Emeritus Professor in the History of Art, University of London	Case 18
Stephen Duffy , Senior Curator, The Wallace Collection	Case 10, 11
Dr Duncan Garrow , Lecturer in Archaeology, University of Reading	Case 16, 27
Charlotte Gere , Independent Jewellery Historian	Case 4
Dr Melanie Giles , Senior Lecturer in Archaeology, University of Manchester	Case 16
Mary Greensted , Freelance curator, writer and lecturer	Case 9
Adam Gwilt , Principal Curator Prehistory, National Museum Wales	Case 27
Robert Harding , Early British Department, Maggs Bros Ltd	Case 6, 14
Jonathan Harris , Independent Consultant	Case 19, 22
Prof. Colin Hazelgrove , Professor of Archaeology, University of Leicester	Case 16, 27
Doug Hill , Manager, Chief Engineer, The National Motor Museum	Case 3
Robert Holden , Director, Robert Holden Ltd	Case 11, 17, 18
Dr Jan Willem Honig , Department of War Studies, King's College London	Case 10
Dr Tim Hunter , Director Gurr Johns Ltd	Case 8, 21, 23
Stephen Jackson , Senior Curator, Applied Art and Design, National Museums Scotland	Case 1
Carien Kremer , Curator, William Morris Gallery	Case 9
Alastair Laing , Independent Consultant, former Curator of Pictures and Sculpture at the National Trust	Case 7, 8, 12 & 13, 15, 21, 23
Professor Andrew Lambert , Department of War Studies, King's College London	Case 5
Clare A Lees , Professor of Medieval English Literature, King's College London	Case 14

Deirde Le Faye , Independent Scholar	Case 4
Giles Mandelbrote , Lambeth Palace Library	Case 14
Emma Martin , Head of Ethnology, World Museum, Liverpool	Case 28
Paul Moorhouse , Curator, 20th Century National Portrait Gallery	Case 24
Andrew Nahum , Senior Keeper, The Science Museum	Case 3
Dr Geoff Quilley , Senior Lecturer in Art History, University of Sussex	Case 25
Dr Richard Rex , Queens' College Cambridge	Case 6
Christine Riding , Senior Curator of Art, National Maritime Museum	Case 20
Christopher Rowell , Curator of Furniture, National Trust	Case 1, 22
Judy Rudoe , Assistant Keeper, Department of Prehistory and Europe, The British Museum	Case 4
Dr David Scrase , Assistant Director, Collections, The Fitzwilliam Museum	Case 21
Desmond Shawe-Taylor LVO , Surveyor of the Queen's Pictures	Case 17
Pippa Shirley , Head of Collections, Waddesdon Manor	Case 19
Peyton Skipwith , Independent Consultant	Case 9
Dr Paul Spencer-Longhurst , Paul Mellon Centre for Studies in British Art	Case 7, 8
Anthony Speelman , Managing Director, Edward Speelman Ltd	Case 2
Jules Speelman , A&J Speelman Ltd	Case 28
Dr Lindsay Stainton , Independent Consultant	Case 20
Lindsay Stewart , Consultant Specialist, Photograph Department, Bernard Quaritch	Case 26
Professor Lisa Tickner , The Courtauld Institute of Art	Case 24
Michael Tollemache , Michael Tollemache Fine Art	Case 7, 20
Dino Tomasso , Tomasso Brothers Fine Art Ltd	Case 15
Dr Marjorie Trusted , Senior Curator of Sculpture, Victoria and Albert Museum	Case 10
Robert Upstone , The Fine Art Society	Case 24
Dr. Francesca Vanke , Keeper of Art and Curator of Decorative Art, Norwich Castle Museum and Art Gallery	Case 25
Dr Christoph Vogtherr , Director, The Wallace Collection	Case 2, 23
Robert Wenley , Head of Collections, The Barber Institute	Case 15
Lucy Whitaker , Senior Curator of Paintings, Royal Collection Trust	Case 11
John Wilson , Director, John Wilson Manuscripts Ltd	Case 5

Appendix F

Value of items placed under deferral (2004/05 to 2013/14) i) for which permanent licences were issued and ii) where items were purchased by UK institutions or individuals

(1) Year	(2) Value of items where a decision on the licence application was deferred (£m)	(3) Value (at deferral) of cases in (2) where items were licensed for permanent export (£m)	(4) Value of items in (3) as % of (2)	(5) Value of items in (2) that were not licensed for export (£m)	(6) Value (at deferral) of cases in (2) where items were purchased by UK institutions or individuals ¹ (£m)	(7) Value of items in (6) as % of (2)
2004/05	46.4	30.2	65	16.2 ²	5.8	13
2005/06	15.6	7.3	47	8.3	8.3	53
2006/07	24.5	10.7 ³	44	11.8	7	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 ⁴	10.1	14
2010/11	71.7	65.8	92	5.9 ⁵	3.8	5
2011/12	74.6	44.8	60	29.8	29.8	40
2012/13	114.8	103.5	90	11.2	11.2	10
2013/14	80.7	66.9	83	13.9	13.9	17
Totals	503.8	417	83	111.8	92.8	18

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

² Includes value of five cases (£10,422,776) where the application was withdrawn during the deferral period.

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

⁴ Includes value of one case (£554,937.50) where the application was withdrawn during the deferral period.

⁵ 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 G

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	10	1,298,000
Books, maps etc	British Library, Keeper of Printed Books, Head of Map Collections	75	10,274,328
Books (natural history)	Royal Botanic Gardens, Kew, Head of Library and Archives	13	1,218,500
Clocks and watches	British Museum, Keeper of Clocks and Watches	35	12,572,572
Coins and medals	British Museum, Keeper of Coins and Medals	92	3,727,161
Drawings: architectural, engineering and scientific	Victoria & Albert Museum, Keeper of Word & Image Department	38	1,753,500
Drawings, prints, water-colours	British Museum, Keeper of Prints and Drawings	195	93,270,248
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	13	3,056,264
Ethnography	British Museum, Keeper of Ethnography	3	570,000
Furniture and woodwork	Victoria & Albert Museum, Keeper of Furniture and Textiles & Fashion Department	120	42,721,609
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	15	4,387,827
Indian furniture	Victoria & Albert Museum, Senior Curator of Asian Department, South & South East Asian Collection	8	679,500
Japanese antiquities	British Museum, Department of Asia	10	1,303,680
Manuscripts, documents and archives	British Library, Curator, Department of Manuscripts	1,948	184,642,040
Maritime material, including paintings	National Maritime Museum, Director of Collections	3	297,400
Middle East antiquities	British Museum, Keeper of Middle East Antiquities	263	25,867,506
Musical instruments	Royal College of Music	22	8,184,158
Oriental antiquities (except Japanese)	British Museum, Department of Asia	115	21,522,413
Oriental furniture, porcelain and works of art	Victoria & Albert Museum, Senior Curator of Asian Department, Chinese Collection	127	32,856,419
Paintings, British, modern	Tate Gallery	295	424,365,486

Category	Advising authority	No of items	Total value (£)
Paintings, foreign	National Gallery, Director	138	305,732,595
Paintings, miniature and pastels	Victoria & Albert Museum, Senior Curator of Painting Section, Word & Image Department	8	39,524,350
Paintings, portraits of British persons	National Portrait Gallery, Director	88	76,318,481
Photographs	National Media Museum, Head	667	16,418,793
Pottery	Victoria & Albert Museum, Head of Ceramics & Glass Department	102	14,521,902
Prehistory and Europe (including archaeological material, Medieval and later antiquities and metal detecting finds)	British Museum, Keeper of Prehistory & Europe Department of Portable Antiquities & Treasure (Metal Detecting Finds)	27,887	3,654,610
Scientific and mechanical material	Science Museum, Head of Collections	2	474,500
Sculpture	Victoria & Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department Tate Gallery (20th Century Sculpture)	75	46,966,223
Silver and weapons, Scottish	National Museum of Scotland, Director	0	–
Silver, metalwork and jewellery	Victoria & Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department	209	45,018,994
Tapestries, carpets (and textiles)	Victoria & Albert Museum, Senior Curator of Furniture, Textiles & Fashion Department	22	2,340,966
Toys	Bethnal Green Museum of Childhood, Head	0	–
Transport	Heritage Motor Centre	41	33,537,424
Wallpaper	Victoria & Albert Museum, Senior Curator of Prints Section, Word & Image Department	0	–
Western Asiatic antiquities	British Museum, Keeper of Ethnography	0	–
Zoology (stuffed specimens)	Natural History Museum, Director of Science	1	67,875
Totals		32,640	1,459,145,324

Appendix H

Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, 2004/05 to 2013/14

Year	Number of Waverley items granted a permanent export licence	Value of Waverley items granted a permanent export licence (£)	Number of Waverley items purchased	Total value of Waverley items purchased (£)	Number of Waverley items supported by Heritage Lottery Fund/National Heritage Memorial Fund	Support by Heritage Lottery Fund/National Heritage Memorial Fund (£)	Number of Waverley items supported by the Art Fund	Support by the Art Fund (£)	Number of Waverley items supported by Arts Council England/V&A Purchase Grant Fund	Support by Arts Council England/V&A Purchase Grant Fund (£)
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 ¹	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
2012/13	12 ²	103,543,500	6	11,165,750	2	3,952,900	3	508,250	2	32,000
2013/14	14	66,862,143	8	13,852,095	1	6,300,000	4	820,000	1	10,000

¹ 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.

² Includes one case where the applicant was informed that a licence could be issued but decided to continue negotiations with a UK purchaser. To date an export licence has not been issued.

2013/14 (detail) – acquisitions

Year	Item	Purchaser	Price (£)	Support by Heritage Lottery Fund/National Heritage Memorial Fund (£)	Support by The Art Fund (£)	Support by the Arts Council England/V&A Purchase Grant Fund
2013/14	A gold and gem-set ring owned by Jane Austen (case 4)	The Jane Austen Memorial Trust (Jane Austen's House Museum)	152,450			
2013/14	A tractise from the Mendham Collection (case 6)	The British Library	116,500			
2013/14	A pair of wall hangings designed by May Morris (case 9)	National Museums Scotland	61,770		30,000	
2013/14	<i>Self-portrait</i> by Sir Anthony van Dyck (case 11)	The National Portrait Gallery	10,000,000*	6,300,000	500,000	
2013/14	Giovanni Battista Lusieri, <i>Panoramic view of Rome: From the Capitoline Hill to the Aventine Hill</i> , (case 13)	The British Museum	361,875		140,000	
2013/14	The Monson Catholicon (case 14)	Anglicum The British Library	92,500			
2013/14	An Empire medal cabinet (case 22)	The Victoria & Albert Museum	534,000		150,000	
2013/14	An Iron Age bronze mirror (case 27)	Oxfordshire Museum Services	33,000			10,000

* Price at deferral £12,500,000.

Appendix J

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 Executive Department for Culture, National Assembly for Wales Department for Culture and Northern Ireland Department for Culture;
- iii) the Directors of the English and Scottish national collections, the National Museum Wales, 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; Conference of Directors of the National Museums and Galleries; 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; Arts Council England/V&A Purchase Grant Fund; the 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; Royal Academy of Arts; Royal Historical Society; Royal Scottish Academy; Scottish Records Association; Society of Antiquaries of London; Society of Archivists; Society of College, National and University Libraries;
- viii) representatives of the trade nominated by the: Antiquarian Booksellers' Association (two); Antiquities Dealers' Association (two); Association of Art and Antique Dealers (two); Bonhams; British Antique Dealers' Association (three); British Art Market Federation; British Numismatic Trade Association (two); Christie's; Fine Art Trade Guild; Society of London Art Dealers (two); Society of Fine Art Auctioneers; Sotheby's.

Appendix K

Further reading

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

Export Licensing for Cultural Goods: Procedures and Guidance for Exporters of Works of Art and other Cultural Goods (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) 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)

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

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

Appendix L

Membership of the Working Party on Manuscripts, Documents and Archives during 2013/14

Dr Christopher Wright, Chair

Peter Beal, Senior Research Fellow, Institute of English Studies

Julia Brettell, Arts Council England/V&A Purchase Grant Fund

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

Mark Caldon, Cultural Property Unit, DCMS

Scott Furlong, Director, Acquisitions, Exports, Loans and Collections Unit, Arts Council England

Matthew Haley, Bonhams

Norman James, The National Archives

Brian Lake, Antiquarian Booksellers Association

Scot McKendrick, British Library

James Morrison, Export Licensing Manager, Acquisitions, Exports, Loans and Collections Unit, Arts Council England

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

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

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

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

James Travers, The National Archives

Lucie van Kuffeler, Secretary Working Party on Manuscripts, Documents and Archives, Assistant Secretary Reviewing Committee, Acquisitions, Exports, Loans and Collections Unit, Arts Council England

John Wilson, John Wilson Manuscripts Limited

Appendix M

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Front cover: Detail from Giovanni Battista Lusieri, *Panoramic view of Rome: From the Capitoline Hill to the Aventine Hill*. © Christie's Images Limited (2013)

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