



Department  
for Culture  
Media & Sport

# Export of Objects of Cultural Interest

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## 2014/15



ARTS COUNCIL  
ENGLAND



# **Export of Objects of Cultural Interest**

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2014/15

1 May 2014 to 30 April 2015

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

April 2016



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Cover image: Detail from *The Campbell Sisters Dancing a Waltz*, by Lorenzo Bartolini



Department  
for Culture  
Media & Sport

# Export of Objects of Cultural Interest

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## 2014/15

1 May 2014 to 30 April 2015

- I Report of the Secretary of State
- II Report of the Reviewing Committee  
on the Export of Works of Art and  
Objects of Cultural Interest



# Annual report to Parliament

By the Secretary of State for Culture, Media and Sport

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

I am pleased to lay before Parliament the eleventh annual report on the operation of the export controls on objects of cultural interest, as required by section 10(1) of the Export Control Act 2002. The report covers the period 1 May 2014 to 30 April 2015.

This is the 61st year that the Government has published the annual report of the Reviewing Committee. Once again we are indebted to the Committee, its expert advisers and staff at the Arts Council for their dedication and hard work in ensuring the export licensing system operates effectively and that items of sufficient importance to us as a nation are identified and an opportunity provided for them to stay in the UK.

This has been a period of transition for the Committee as it completes its first year under the Chairmanship of Sir Hayden Phillips. With his expert knowledge and distinguished background in the field of culture, Sir Hayden has provided the Committee with strong leadership and successfully guided it through its consideration of some challenging cases. I have valued the Committee's advice, which is always well-founded and comprehensive.

Once again, this is an occasion to be proud of our export licensing system, which preserves a careful balance between the protection of our national treasures, the reasonable expectations of owners and preserving a thriving and free art market.

It is important for the smooth and effective running of the export licensing process that all those involved understand the process and that the Committee is provided with the information it needs so that it can offer advice and do so in a timely manner. I strongly support, therefore, the procedural reminders in this report, which I would ask everyone to observe, as well as the helpful clarification on viewing arrangements, provenance information and special arrangements applying to manuscripts and archives.

I am pleased that we have been able to update our policy in relation to applications for temporary licences and that the inconsistency identified in the UK Open General Export Licence has been addressed. The new policy, which contains a different regime for objects found to be national treasures, is set out in the *Guidance for Exporters*.

I am delighted that five of the works that came before the Committee in 2014–15, and which were subsequently export deferred, were acquired by galleries, museums and archives across the country. These successes show what excellent results can be achieved by determined and collaborative fundraising.

Particularly noteworthy from this year's successful acquisitions was Giovanni da Rimini's *Left Wing of a Diptych with Episodes from the Lives of the Virgin and Other Saints*, which was acquired by the National Gallery with the generous support of Mr Ronald S Lauder, a US philanthropist. Mr Lauder agreed to fund the acquisition on the basis that the painting would be loaned to him in his lifetime. The painting will be displayed at the National Gallery in 2017 and once every three years after that. This is an excellent example of what can be achieved through the generosity of individuals and by applying innovative solutions.

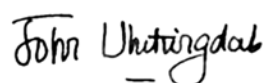
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Other notable acquisitions include *The Campbell Sisters Dancing a Waltz*, by Lorenzo Bartolini, a joint acquisition between the V&A and the National Galleries of Scotland which will travel between the two locations, and a William Burges vase from the Summer Smoking Room at Cardiff Castle. This is a fantastic acquisition for Wales, an outstanding example of William Burges's skill as a designer and an integral part of one of the preeminent architectural and decorative commissions of the 19th century.

Of course, it is always disappointing seeing the case histories of some outstandingly beautiful and important items that came before the Reviewing Committee but which, ultimately, could not be saved. Whilst accepting that there will always be some items that are likely to be beyond the fundraising capabilities of UK institutions, we should not take that for granted. Instead we should focus our efforts on ensuring that everyone who is dedicated to preserving our heritage is working together to find the means to save the objects that are export deferred. I hope that generous individuals, businesses and other organisations will continue to support us in this work and that we may continue to enrich our collections in this way.

We are also keen to maximise the opportunities offered by the Cultural Gifts and Acceptance in Lieu schemes to acquire important art treasures for the nation where they might otherwise be sold at auction. Despite the fact that the Cultural Gifts Scheme is relatively new, some fantastic offers have already been accepted and we propose to review the initiative in 2017 to see what more can be done to encourage giving.

I commend this annual report and am grateful to Sir Hayden, the members of the Reviewing Committee and all those involved in the export licensing process for their hard work. Their efforts and those of the many individuals and organisations who provide the financial support needed to acquire works at risk of export are to be applauded by everyone who values our cultural heritage.



**John Whittingdale**

Secretary of State for Culture, Media and Sport

## Operation of the Control

The following figures cover the period of this report (1 May 2014 to 30 April 2015).

	<b>1 May 2013 – 30 April 2014</b>	<b>1 May 2014 – 30 April 2015</b>
(a) Number of applications for individual export licences <sup>1</sup>	12,925	12,852
(b) Number of above applications which were for manuscripts, documents or archives	1,753	1,600
(c) Number of items licensed after reference to expert advisers on the question of national importance	32,640	31,083
(d) Total value of items in (c)	£1,459,145,324	£1,983,542,466
(e) Number of Open Individual Export Licences (OIEL) in operation having been issued in previous years to regular exporters for (i) the export of manuscripts, documents, archives and photographic positives and negatives; (ii) the export of objects imported into the UK in the past 50 years; (iii) the export of 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	65	66
(f) Number of items licensed after the Export Licensing Unit was satisfied of import into the UK within the past 50 years	23,307	57,693
(g) Total value of items in (f)	£9,862,798,517	£10,745,479,486
(h) Number of items in (f) which were manuscripts, documents or archives	1,016	900
(i) Total value of items in (h)	£38,507,477	£86,456,724
(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; 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; motor vehicles exported for less than three months for social, domestic or pleasure purposes; foreign-registered motor vehicles 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	3,531	3,501
(k) Total value of items in (j)	£1,941,877,027	£3,980,590,056

<sup>1</sup> One application (which means applications made and issued) may cover several items.

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





Department  
for Culture  
Media & Sport

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

1 May 2014 to 30 April 2015

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To:  
The Rt Hon John Whittingdale MP  
Secretary of State for Culture, Media and Sport

61st Report of  
the Reviewing Committee



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

## Members of the Committee 2014/15

Sir Hayden Phillips (Chair)  
Mr Richard Calvocoressi  
Ms Philippa Glanville  
Mr Simon Swynfen Jervis (until 9 April 2015)  
Mr Aidan Weston-Lewis  
Mr Lowell Libson  
Mr Christopher Rowell (from 10 April 2015)  
Ms Leslie Webster  
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  
21 Bloomsbury Street  
London WC1B 3HF

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

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## Part I:

# Reviewing Committee Report for 2014/15

1 May 2014 to 30 April 2015

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## Introduction

During the first full year of Sir Hayden Phillips's Chairmanship of the Reviewing Committee, an extremely varied range of works of art and objects of cultural interest has been considered against the criteria established by Viscount Waverley in 1952, to establish if they are 'national treasures'. Following nine meetings, 12 works with a value of £48.12 million were temporarily deferred from export while efforts were made to retain them in the United Kingdom. We are pleased that five works have been acquired by galleries, museums and archives across the country.

### **Committee members, 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. 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 & 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.

### **Procedural reminder**

We ask that all material to be considered by us is provided to the Secretariat two and a half weeks before our meetings to ensure that it is circulated to all parties at least one week in advance of our meetings. This is to ensure that everyone has an opportunity to consider the material submitted and, if applicable, respond to it. We would like to emphasise that all parties are expected to undertake thorough research before attending a Committee meeting. In fairness to all attendees, there will not normally be an opportunity either to postpone our meeting or our decision to permit late evidence to be adduced.

## Rhythm of the year

As many applicants are aware, the autumn tends to be a very busy period in our year. We have noted an increased desire from applicants that the Committee views items under consideration in locations across London. We would like to reiterate that there is an expectation that items will be brought to the Committee meeting itself and that there must be an extremely compelling case for the Committee to consider other arrangements. The necessity of travelling to view an item in alternative locations has a clear effect on the number of cases that can be considered during busy periods. In fairness to all applicants, should the Committee agree to a request, this may have an effect on how quickly the case can be heard. We would encourage applicants to discuss their requirements with the Secretariat as early as possible in the process.

## Provenance information

Potential acquiring institutions often approach funding bodies for financial assistance in their attempts to purchase export-deferred items. Once an expression of interest in raising funds has been received, there is an expectation that the owner of the item will allow provenance information to be provided to the relevant funding bodies so the necessary due-diligence procedures can be completed. If this permission is not forthcoming, it can prejudice the institution's chances of successfully concluding the purchase. This may give grounds for considering whether the deferral period should be extended or a recommendation made to the Secretary of State that the export licence application be refused.

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### **Special considerations applying to manuscripts and archives where copies will satisfy the interests of the national heritage**

Since 1975, our procedure has been that applications for specific licences need not be accompanied by copies unless a copy is specifically asked for by the Export Licensing Unit or the expert adviser. If an applicant is anxious that a case should be dealt with quickly, particularly if the document is short and appears to be of some importance, they may prefer to supply a copy with their application rather than risk the slight delay which would be unavoidable if a copy has to be asked for as a separate step. For any copies so provided, access is reserved for a period of seven years from the deposit of such copies, except with the specific consent of the owner of the originals. If the exporter challenges a specific request that a copy of a document should be deposited, the application will be referred to the Reviewing Committee.

In the case of certain manuscripts, the making of a copy or copies may constitute infringement of the rights of the copyright owner. The onus of establishing the position under the Copyright Act rests with the exporter.

### **Open General Export Licence (OGEL) and Temporary Licence policy post-consultation**

In our 57th Report we wrote that a public consultation had been launched by the Department for Culture, Media & Sport with a view to publishing a policy on the considerations to be taken into account in relation to applications for temporary licences and the time periods for which objects could be exported under them and to address an inconsistency in the UK OGEL with the EU export licensing regime in relation to goods not entered into free circulation. We are pleased to report that Cabinet approval was given in March 2015 to the new policy on temporary licences and the revised OGEL. Under the new policy, which is explained in detail in the reissued *Guidance for Exporters*, there is a different regime for objects found by the Reviewing Committee to be national treasures.

The OGEL, which permits the export of specified cultural objects to a destination in another EU state without the need to apply for an individual export licence, was reissued on 12 March 2015 and is reproduced in Appendix M. Changes introduced relate to cultural goods not released into free circulation in the EU; spoliated goods where their return has been approved by the Secretary of State and changes to reflect the practice in relation to representations of British historical persons and textiles. These changes are explained in detail in the reissued *Guidance for Exporters*.

### **Committee members**

There was one change of membership during 2014/15, with the conclusion of Simon Swynfen Jervis's second four-year term and the appointment of Christopher Rowell as his successor. Simon's term of appointment expired on 9 April 2015. We would like to record our appreciation for his contribution over the last eight years. Christopher Rowell was appointed to the curatorial staff of the National Trust in 1977 and has been Furniture Curator since 2002, advising on the Trust's collections in England, Wales and Northern Ireland. He is Chairman of the Furniture History Society and has published widely in various art-historical periodicals and compendia. He was appointed on 10 April 2015 for an initial four-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 in Appendix D.

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

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

## Part II:

# Operation of the Control

During the period covered by this report (1 May 2014 to 30 April 2015):

- There were 12,852 applications for export licences
- 1,600 of these applications were for the export of manuscripts, documents or archives
- The applications covered a total of 92,277 items
- 31,083 items with a value of £1.98 billion (£1,983,542,466) were issued with export licences after they had been referred to expert advisers
- 66 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) 51 for the temporary export of objects over 50 years of age owned by or under the control of a national institution or an institution holding a designated collection
- 57,693 items with a value of £10.75 billion (£10,745,479,486) were issued with export licences after the Export Licensing Unit was satisfied that they had been imported into the United Kingdom within the past 50 years. 900 of these items with proof of import were manuscripts, documents or archives, with a total value of £86,456,724
- 3,501 items with a value of £3.98 billion (£3,980,590,056) 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; motor vehicles exported for less than three months for social, domestic or pleasure purposes; foreign-registered motor vehicles 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 2014/15, 17 cases were considered by the Committee because the appropriate expert adviser had objected to the proposed export on the grounds of national importance. This is a fraction of the items covered by the export licensing system and shows that expert advisers think very carefully before referring cases to us.

The Committee will designate an object as a 'national treasure' if it considers that its departure from the UK would be a misfortune on one or more of the following three grounds, collectively known as the '**Waverley criteria**':

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

### Items found to be national treasures

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

**Case 3** – The Bruce James Talbert *'Pericles Dressoir'*

**Case 4** – *Left Wing of a Diptych with Episodes from the Lives of the Virgin and Other Saints*, by Giovanni da Rimini

**Case 5** – *The Adoration of the Magi*, by John Flaxman RA

**Case 7** – *The Garden of Eden with the Fall of Man*, by Jan Brueghel the Elder

**Case 8** – A marble statue of Aphrodite

**Case 9** – *The Campbell Sisters Dancing a Waltz*, by Lorenzo Bartolini

**Case 10** – English translation of Erasmus's *Enchiridion militis Christiani*

**Case 12** – *A Mediterranean Port at Sunrise with the Embarkation of Saint Paula for Jerusalem*, by Claude Gellée, called Claude Lorrain

**Case 13** – The Rejlander Album

**Case 14** – The Statue of Sekhemka

**Case 15** – A William Burges vase from the Summer Smoking Room, Cardiff Castle

**Case 17** – A collection of works by Thomas Baines, North Australian Expedition, 1855–57

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

One application for an item found to meet the Waverley criteria was withdrawn following the hearing and consequently not referred to the Secretary of State:

**Case 16** – *Swinton School Mural*, by Hans Coper

### Items found not to be national treasures

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

**Case 1** – *The Penitent Saint Peter*, by Bartolomé Esteban Murillo

**Case 2** – An Ice-Axe

**Case 6** – *A Panoramic Winter Landscape with a Multitude of Figures on a Frozen River*, by Hendrick Avercamp

**Case 11** – The Thomas Walpole Archive

### National treasures referred to the Secretary of State

Twelve 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 12 deferred items was £48.12 million (£48,115,600).

### National treasures that were acquired:

Of the 12 deferred items, the following five were acquired by institutions or individuals in the United Kingdom:

**Case 4** – *Left Wing of a Diptych with Episodes from the Lives of the Virgin and Other Saints*, by Giovanni da Rimini (£5,682,500)

**Case 9** – *The Campbell Sisters Dancing a Waltz*, by Lorenzo Bartolini (£523,800)

**Case 10** – English translation of Erasmus's *Enchiridion militis Christiani* (£242,500)

**Case 13** – The Rejlander Album (£82,600)

**Case 15** – A William Burges vase from the Summer Smoking Room, Cardiff Castle (£163,000)

These had a total value of £6.7 million (£6,694,400), which represents 13.9 per cent of the total value of objects that were deferred and 42 per cent of the total number.



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### **National treasures that were not saved**

Unfortunately, it was not possible to retain in the UK every national treasure that was deferred. Export licences were issued for the six items listed below:

**Case 3** – The Bruce James Talbert *'Pericles Dressoir'* (£485,000)

**Case 5** – *The Adoration of the Magi*, by John Flaxman RA (£800,000)

**Case 7** – *The Garden of Eden with the Fall of Man*, by Jan Brueghel the Elder (£6,963,000)

**Case 8** – A marble statue of Aphrodite (£9,594,200)

**Case 12** – *A Mediterranean Port at Sunrise with the Embarkation of Saint Paula for Jerusalem*, by Claude Gellée, called Claude Lorrain (£5,066,500)

**Case 17** – A collection of works by Thomas Baines, North Australian Expedition, 1855–57 (£2,750,000)

These have a collective value of £25.66 million (£25,658,700), which represents 54 per cent of the total value of objects placed under deferral and 50 per cent of the total number.

### **Addendum**

**Case 14** – The Statue of Sekhemka (£15,762,500)

At the time of going to press, which occurred after the end of the second deferral period, no matching offer was received and an export licence was issued.

Export of Objects  
of Cultural Interest  
2014/15

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# Individual export cases

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## Case 1

### *The Penitent Saint Peter,* by Bartolomé Esteban Murillo

This painting by Bartolomé Esteban Murillo (1617–82) is oil on canvas, dates from circa 1675 and measures 212cm by 155cm.

The applicant had applied to export the painting to Spain. The value shown on the export licence application was £5,012,520, which represented at that time an approximate pound sterling conversion of six million euros. Six million euros constituted the price at which the present owner had bought the painting through a private sale.

The Director of the National Gallery (assisted by the Head of the Curatorial Department, Curator of Italian and Spanish Paintings 1600–1800, 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 Spanish painting, in particular in the context of Murillo's oeuvre.

The expert advisers had provided a written submission stating that despite the UK's rich holdings of Murillo's works, the best of these consisted of his genre ('beggar') paintings and his multi-figural religious works. Furthermore, the theme of the Penitent Saint Peter was extremely rare in Murillo's output; the composition is known in one other painted variant, in a private collection in Paris. Until the inclusion of the present work in the 2012–13 exhibition in Madrid, Seville and London (*Murillo & Justino de Neve: The Art of Friendship*), it had only been known through a black and white photograph published by Diego Angulo Íñiguez (1974), now in the photographic archives of Alfonso E. Pérez Sánchez.

*The Penitent Saint Peter* was noteworthy from a stylistic point of view since it was unusually naturalistic for Murillo and this, together with the painting's marked chiaroscuro lighting, were strongly reminiscent of the 17th-century Spanish painter Jusepe de Ribera. There were striking compositional similarities between Murillo's painting and an engraving of Saint Jerome by Ribera (1621; Metropolitan Museum of Art, New York), and it had been convincingly argued that this may have served as a model for *The Penitent Saint Peter*. The Riberesque style marked the painting out in the wider context of Murillo's output.

The provenance of the picture, having been commissioned by Murillo's important friend and patron Justino de Neve, was also of particular significance. This was especially true if one considered the work in relation to other paintings in this country with a similar provenance, including Murillo's *Portrait of Justino de Neve* (1665) in the National Gallery, London; *Faith or the Church Triumphant* (1664–65) in the Faringdon Collection at Buscot Park, Oxfordshire and Murillo's *The Young Christ as The Good Shepherd* (c. 1660–65) in the George Lane Collection at Ashton Wold, Peterborough. At the case hearing, the applicant noted that Murillo's paintings *Flower Girl* at the Dulwich Picture Gallery and *Young Man with a Basket of Fruit (Allegory of Summer)* at the National Galleries of Scotland had also formed part of de Neve's private collection.

Although *The Penitent Saint Peter* had been dated to circa 1675, the painting might date from a little earlier – even to the mid-1660s, which remained an open question, of potential interest for study.

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While they believed it to be an important picture by Murillo, the applicant disagreed that the work met the Waverley criteria. Although it had been in the UK since the mid-19th century, it had not formed part of any important national collection. Furthermore, the UK enjoyed a rich holding of works by Murillo both in public institutions and private hands. The applicant did not believe the painting could be considered to be of outstanding aesthetic importance. The composition was not the artist's own design, and its condition was somewhat uneven. There were many other works by Murillo in the UK that could be considered aesthetically of far greater importance. Finally, the applicant did not believe the painting could be considered to be of outstanding significance for the study of the artist's relationship with his patron and friend Justino de Neve, given it was merely one of numerous works commissioned by him, many of which were within UK institutions today, and a number of which could be considered far more important for the study of Murillo's relationship with de Neve. However the tenebrist style was interesting, and was one area which might have more interest from an academic perspective.

The Reviewing Committee heard this case in June 2014 when the painting was shown to us. We found that the work did not meet any of the Waverley criteria. An export licence was therefore issued.

## Case 2

### An Ice-Axe

This iron and wood Ice-Axe, measuring 89.5cm high, is marked with the maker's stamp 'Horeschowsky'.

The applicant had applied to export the ice-axe to the USA. The value shown on the export licence application was £132,100, which represented the hammer price at auction of £108,000 plus the buyer's premium of £24,100.

The Honorary Librarian and Keeper of Artefacts, the Alpine Club, acting as expert adviser, had objected to the export of the ice-axe 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. They said it was of outstanding significance for the study of George Mallory (1886–1924) and the historic 1922 Everest expedition.

The expert adviser had stated in a written submission that the ice-axe had an undoubted association with Mallory, one of the iconic figures in the history of British and world mountaineering. The British involvement with Mount Everest went back to the mid-19th century, when its height was published for the first time in 1856. Since then, the mountain had occupied an unrivalled place in British mountaineering history. Mallory was the key figure in the 1920s' Everest expeditions (1921, 1922, 1924). In 1924, Mallory and his new partner Andrew Irvine disappeared on the mountain. It may never be known whether the pair reached the summit prior to their disappearance.

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The question of whether the ice-axe under scrutiny was the one used by Mallory in 1922 and involved in saving the lives of his three companions on that year's expedition was a difficult one. It could only be presumed that this claim derived from the Threlkeld family who had consigned the axe for auction, information which could only have come to them from Ruth Mallory, Mabel Barker and Nancy Carpenter. A photograph of Mallory and his companion Edward Norton high on the Northeast Ridge the day before the accident showed a very different ice-axe being used by Mallory. However, the axe being presented was undoubtedly his and, as far as the expert adviser was aware, no other ice-axe belonging to Mallory survived. If it could be demonstrated that the ice-axe was involved in the historic events of 1922, it would gain even greater importance because of the long association between Britain and Everest. Research would be required to confirm the position, and it would be of major importance to the history of British mountaineering history and of Mount Everest to establish this one way or the other. Even if the axe was not used by Mallory on Everest, the very fact that it was the only known surviving ice-axe to have been used by him made it of prime importance that it be preserved.

The applicant had stated in a written submission that they disagreed that the ice-axe met the Waverley criteria. The ice-axe had only tentative claims – it had been associated with George Mallory (via its provenance), and was believed to have been used on the 1922 Everest expedition (as described when exhibited by the Mountain Heritage Trust at Rheged). Even if it could be stated with certainty that the axe was Mallory's, it would not meet the qualitative standard of 'outstanding' historical importance to this country. While it was a key part of any ice-climber's kit, it was an unremarkable and standard ice-axe from the period, without any ownership markings, and added no particular information to our knowledge of Mallory and the 1922 expedition. It was a utilitarian object, which offered no new details or insights of importance for scholarship.

The Reviewing Committee heard this case in September 2014 when the ice-axe was shown to us. We found that the ice-axe did not meet any of the Waverley criteria. An export licence was therefore issued.

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### Case 3

## The Bruce James Talbert 'Pericles DRESSOIR'

This dressoir, measuring 325cm by 287cm by 76cm, of oak inlaid with ebony and fruitwoods, carved and gilded with brass hinges and fittings, was designed by Bruce James Talbert and made in 1866. It was designed for Holland & Sons for their stand at the Paris 1867 Exposition Universelle, and derives its name from the scene on the carved relief crowning the upper superstructure depicting a scene from the Jacobean play written (at least in part) by William Shakespeare, *Pericles, Prince of Tyre*. Below the Pericles panel is an arcade of marquetry panels depicting various examples of 'fish, flesh and fowl', while the doors of the lower section are inlaid with Egyptian lotus motifs.

The applicant had applied to export the dressoir to the USA. The value shown on the export licence application was £485,000, which represented the price at which the present owner had agreed to sell through a private sale, subject to the granting of an export licence.

The Keeper of Furniture, Textiles and Fashion at the Victoria & Albert Museum (assisted by the museum's Curator of Nineteenth-Century Furniture in the Furniture, Textiles and Fashion Department), acting as expert adviser, had objected to the export of the dressoir under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and of outstanding significance for the study of furniture history and the Gothic Revival.

The expert adviser had stated in a written submission that Bruce James Talbert (b. Dundee 1838, d. London 1881) was a versatile designer of decorative arts, part of a close group of designers working in a 'reformed' Gothic style in the second half of the 19th century. Sheer deftness and boldness of design, proficiency of execution and remarkable scale combined to make the dressoir one of the most spectacular items of 'Reformed' or 'Modern' Gothic furniture made in England in the 19th century. The dressoir was of outstanding aesthetic importance as recognised by the silver medal it was awarded at the Paris Exposition Universelle in 1867, and it had had a strong influence upon British craftsmen when exhibited in the French capital. The fusion of Shakespearian prose with the story of a Greek ruler and the Egyptian revival reflected the blend of classical, archaeological and Gothic styles with literary sources prevalent in England in the 1860s.

More specifically, with its classical iconography seen through the eyes of the greatest English playwright, the *Pericles Dressoir* made a strong statement of British pride at the 1867 Paris exhibition. The choice of oak, the sturdiest of native English woods, as the main material, was also significant.

There were other cabinets and dressoirs by Talbert in public and private collections in the UK, although nothing approaching the scale or exhibition history of the *Pericles Dressoir* was known. The dressoir was significant to the study of furniture history and the Gothic Revival. It was highly publicised on both sides of the English Channel in 1867 and distilled the theories of the leading practitioners of the Gothic Revival – A.W.N. Pugin, Sir George Gilbert Scott, William Butterfield and George Edmund Street – in a form which was palatable enough to be adapted by Gothic Revival furniture manufacturers throughout Britain and the United States, where Talbert's designs were published.

The applicant stated that they did not believe that the dressoir's departure from the UK would be a misfortune. The dressoir had been offered to UK museums and private buyers alike, it had been publicly exhibited for sale for a period of a month and had received no interest from a UK buyer.

The Reviewing Committee heard this case in September 2014 when the dressoir 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 importance for the study of Victorian furniture and the role of world fairs in promoting British Gothic design. 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 £485,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the dressoir, the deferral period should be extended by a further four months.

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











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## Case 4

### *Left Wing of a Diptych with Episodes from the Lives of the Virgin and Other Saints, by Giovanni da Rimini*

This is a tempera painting on panel with gold ground, measuring 52.5cm by 34.3cm, in an engaged frame by Giovanni da Rimini (documented 1292–1309/14).

The applicant had applied to export the panel to the USA. The value shown on the export licence application was £5,682,500, which represented the hammer price at auction of £5,000,000 plus the buyer's premium of £682,500.

The Assistant Director, Collections, The Fitzwilliam Museum, acting as expert adviser, had objected to the export of the panel under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and of outstanding significance for the study of Trecento painting in Rimini.

The expert adviser had stated in a written submission that this exquisitely painted panel was of outstanding aesthetic value and in exceptional condition. It had formed the left half of a diptych, the right half of which was in the Galleria Nazionale d'Arte Antica in Rome (Palazzo Barberini). From left to right, top to bottom, the episodes of the left half showed: the Apotheosis of St Augustine, the Coronation of the Virgin, St Catherine disputing with the Philosophers and Orators in front of the Emperor Maxentius, St Francis receiving the stigmata and St John the Baptist in the wilderness, proclaiming the Messiah. The left half was much more inventive in design than the right, and the present panel had a lyricism which was enhanced by its extraordinarily good condition. Its composition was individual, its colouring exquisite and the handling of considerable delicacy.

The work was a rare and characteristic example of Giovanni da Rimini, a leading artist in Rimini at the turn of the 13th/14th century, an important painter in fresco on a grand scale as well as a refined miniaturist. It was an exceptional example of the early Riminese School, one of the most important schools in Trecento Italy, but one that was scarcely represented in British collections. Riminese painting had not survived in large numbers; in the UK there were very few examples, including only one in the National Gallery, acquired in 1985, showing *'the Vision of the Blessed Clare of Rimini'*, currently attributed to Francesco da Rimini, but previously attributed to the Master of the Blessed Clare.

The finest example in a British public collection was currently the panel in the Courtauld Gallery of the *Adoration of the Magi* by Giovanni Baronzio (documented 1343–45). A full generation later than Giovanni da Rimini, Baronzio was his natural heir, but he lacked the delicacy, charm, elegance and invention of his predecessor. The retention in the UK of this jewel-like panel would add considerably to the understanding of this little-known aspect of Italian painting. Its export would be lamentable for the clear understanding of the value and quality of the Riminese School of painting in the Trecento.

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

The Reviewing Committee heard this case in October 2014 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 one of the most significant painters of the Riminese School, working at a key moment in the development of Western European painting. 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 £5,682,500 (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 painting, 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 Gallery to raise funds to purchase the painting. A decision on the export licence application was deferred for a further five months. We were subsequently informed that the painting had been purchased by the National Gallery with assistance from Mr Ronald S Lauder, a US philanthropist. Mr Lauder agreed to fund the acquisition on the basis that the painting would be loaned to him in his lifetime. The painting will be displayed at the National Gallery in 2017 and once every three years after that.

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## Case 5

### *The Adoration of the Magi,* by John Flaxman RA

This is a rectangular marble slab, carved in low relief (22.5cm high by 42.6cm wide), attributed to John Flaxman RA (1755–1826) and depicting the Virgin in profile seated on the ground with her head bowed, holding the Christ child on her lap and the three Magi kneeling before them.

The applicant had applied to export the marble relief to Belgium. The value shown on the export licence application was £800,000, which represented the price at which the present owner had agreed to sell through a private sale, subject to the granting of an export licence.

The Senior Curator of Sculpture, Victoria & Albert Museum, acting as expert adviser, had objected to the export of the marble relief under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and of outstanding significance for the study of neoclassical sculpture and Flaxman's role within its development.

The expert adviser had stated in a written submission that, although unsigned, the relief had been attributed to John Flaxman, one of the most influential British artists of the early 19th century with a truly international reputation. Apart from the high quality of carving, implying an autograph piece, the composition closely corresponded with a slightly larger plaster version at Sir John Soane's Museum, and there also existed two pen, ink and wash drawings (one in the British Museum and the other at the Yale Center for British Art, New Haven).

The remarkably pure and simple piece imparted an exceptionally modern quality. It illustrated the artist's ability to convey rounded figurative forms on a small scale, whilst at the same time suggesting their monumentality. The relief also presented an unusual subject within Flaxman's oeuvre, in that it was taken from the New Testament. The artist was a master of relief sculpture, but because of the strong Protestant tradition in this country, the vast majority of his compositions were allegorical or portraits rather than directly religious, although most of them were funerary monuments made for ecclesiastical contexts. Despite the biblical subject, the style and feeling of this piece were in some ways fundamentally classical, indeed neoclassical. Apart from direct or indirect classical sources, Italian Quattrocento art almost certainly lay behind the composition, as well as the subject matter, of this piece.

The countless marble reliefs by Flaxman seen in churches and cathedrals throughout the UK differed from the present piece not only in the choice of subject, but in the treatment of the marble. Flaxman often delegated the carving of the finished piece to assistants, whereas here he seemed to have been the sole author, the high quality of the carving implying he had executed it without help from his workshop.

The expert adviser noted at the hearing that the chronology of creation of the drawings and plaster (or which had come first) remained unclear. Flaxman did of course have assistants in his workshop, as was very common at the time, but there was no documentation or evidence as to who had carved the present piece. However, the expert adviser felt the carving was of very high quality. It had been suggested elsewhere that the work may have been carved by Flaxman for his wife, but again there was no evidence that this was the case, although this might explain the lack of clear provenance.

The applicant did not disagree that the marble relief met the Waverley criteria. They noted at the hearing that a further drawing had been located at the Huntington Library. They understood that there were also two bronze casts of the work, but these related more closely to the Soane plaster version. There was no further provenance information pre-2003 when the piece had been sold at auction, and the attribution had been based on the related drawings and comparative works.

The Reviewing Committee heard this case in October 2014 when the relief 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 neoclassical sculpture and Flaxman's role within its development. 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 £800,000. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the relief, the deferral period should be extended by a further three months.

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



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## Case 6

### *A Panoramic Winter Landscape with a Multitude of Figures on a Frozen River, by Hendrick Avercamp*

This painting by Hendrick Avercamp (1585–1634), dated circa 1610, is oil on canvas and measures 69.2cm by 109cm. Its original dimensions were circa 55cm by 109cm.

The applicant had applied to export the painting to Belgium. The value shown on the export licence application was £5,132,600, which represented the hammer price at auction of £4,400,000 plus the buyer's premium of £610,500 (and VAT on the buyer's premium of £122,100). The Director of the National Gallery (assisted by the Curator of Dutch and Flemish Paintings, 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 of outstanding significance for the study of Avercamp's work and the development of Dutch landscape painting in the opening decades of the 17th century.

The expert adviser stated that the present work by Avercamp was an outstanding example of his work from the early phase of his career, and a charming record of everyday life in the Dutch Republic. It was of high quality and unusually large for the artist, a colourful and engaging example of his astute observation of 17th-century Dutch society and his evocative recreation of winter's pale and icy mists. The artist's works offered a unique view of everyday life: ice transformed society as it transformed the land, allowing citizens from all ranks of society to mingle freely. Moreover Avercamp's delicate painting style, his prolific use (and re-use) of drawn figure studies and his habit of making detailed underdrawings provided fascinating material for the study of 17th-century materials and technique.

The expert adviser noted that, probably in the 18th century, the format of the painting had been significantly altered by the addition of an oak plank approximately 14cm in width across the top of the painting, now largely masked by the frame. Dendrochronological examination of the original oak panel suggested a felling date after 1590, which fitted comfortably with the proposed dating of the painting on stylistic grounds to about 1610.

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The expert adviser did not feel the substantive part of the work had been affected; while the proportions had changed, the subject had not been disturbed. The changes did temper judgment of the second Waverley criterion, although very few of the artist's works had not been tampered with in some way. When questioned at the hearing about other works by Avercamp in public collections in the UK, the expert adviser did not dispute that the National Gallery had two of the artist's foremost works in its collection, but felt that Avercamp was not well represented in collections elsewhere in the country.

The applicant disagreed that the painting met the Waverley criteria. Concerning the first Waverley criterion, the work had been in a private collection in the UK since the beginning of the 20th century and had remained unknown and unrecorded until its recent discovery and authentication. Consequently, it had had no effect on art and culture in the UK and was unconnected with our history and national life. The applicant did not consider that it could be said to be of outstanding aesthetic importance primarily due to the alterations it had undergone since its creation. The painting in its current form did not reflect its original state as intended by the artist, as it had been trimmed at the top and a new plank added at an unknown date, but probably in the late 17th or early 18th century.

Finally, the applicant did not consider that the third Waverley criterion was met. The painting was an unpublished winter landscape which was painted early in Avercamp's career, probably before 1610, and although it was certainly a significant addition to his early oeuvre, winter landscapes by the artist were already well represented in the major UK museums, all of which were accessible to the general public. When questioned about the collection history at the hearing, the applicant replied that the family papers and archives had been reviewed, and nothing further had been found concerning the work.

The Reviewing Committee heard this case in November 2014 when the painting was shown to us. We found that the painting did not meet any of the Waverley criteria. An export licence was therefore issued.





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## Case 7

### *The Garden of Eden with the Fall of Man*, by Jan Brueghel the Elder

This painting by Jan Brueghel the Elder (1568–1625) is oil on copper, measures 23.7cm by 36.8cm and dates to 1613.

The applicant had applied to export the painting to Hong Kong. The value shown on the export licence application was £6,802,500, which represented the hammer price at auction of £6,000,000 plus the buyer's premium of £802,500.

The Senior Curator, Northern European Art, Scottish National Gallery, acting as expert adviser, had objected to the export of the painting under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

The expert adviser stated that this striking, exceptionally well-preserved copper painting belonged to a small group of so-called 'Paradise' landscapes, by Jan Brueghel the Elder, arguably the most important Flemish painter of cabinet pictures in the decades around 1600. Almost unknown until very recently, it was the smallest but perhaps most refined of these most celebrated works. The painting combined a woody landscape with highly detailed depictions of a large variety of animals and plants, for which Brueghel was particularly famous, and demonstrated his superb skill as a painter of indigenous and exotic fauna and flora. Brueghel had drawn sketches after life in the celebrated menageries of Archduke Albert in Brussels and Emperor Rudolf II in Prague. Furthermore, animal groups such as the lions, the leopards, as well as the stallion, demonstrated that Brueghel had access to drawings by Rubens with whom he had started to collaborate in about 1598. The subject of '*The Fall of Man*' provided Brueghel with a religious framework to display as many species from across the world as possible. The beholder could contemplate the fate of mankind from the Fall to Salvation.

British collections were not particularly rich in paintings by Jan Brueghel the Elder. There were some characteristic landscapes, but the only painting truly comparable with the present work was the Royal Collection's *Adam and Eve in the Garden of Eden* of 1615.

The expert adviser noted that he had very recently viewed both that painting and *The Entry of the Animals into the Ark* of 1615 at Apsley House, and considered the present work to be the finest of the three. It differed in subject and type to the Apsley House painting, while the Royal Collection painting – more closely comparable – was of much larger scale, and the artist had achieved a finer level of detail in the work currently under consideration. In his view, the quality and remarkable condition of the present work were particularly relevant.

The painting had been acquired with the Camuccini collection by Algernon Percy, 4th Duke of Northumberland (1792–1865), in 1853, and it had remained in the family until the recent sale. Although in the expert adviser's view this did not justify a classification under the first Waverley criterion, nonetheless it was worth noting that the painting had formed part of one of the most distinguished private collections in the UK for more than 150 years.

The applicant did not disagree that the painting was of national importance under the second and third Waverley criteria, being both of outstanding aesthetic importance and of outstanding significance for scholarship. However, in their view the first Waverley criterion did not apply; they did not believe the painting was so closely connected with our history and national life that its departure would be a misfortune, and felt it had not been of significant importance in the UK either for other artists, or collections or for British culture generally since its arrival here.

The Reviewing Committee heard this case in November 2014 when the painting was shown to us. We found that it met the second Waverley criterion on the grounds that it was of outstanding aesthetic importance. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £6,963,000 (inclusive of VAT on the buyer's premium). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the 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.

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## Case 8

### A marble statue of Aphrodite

This sculpture by an unknown sculptor dating from the early 1st century BC, measuring 203.2cm in height, is a rare example of a Roman adaptation of a Greek original from 430–420 BC.

The applicant had applied to export the sculpture to Ireland. The value shown on the export licence application was £9,594,200, which represented the hammer price paid by the owner at auction of £8,300,000 plus the buyer's premium of £1,078,500 (as well as VAT on the buyer's premium of £215,700).

The Keeper of the Department of Greece and Rome, British Museum, acting as expert adviser, had objected to the export of the sculpture under the first, second and third Waverley criteria. They reasoned that it was so closely connected with our history and national life that its departure would be a misfortune, that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the reception of Greek art during the Roman period. Furthermore, it was significant to the history of collecting, architecture and interior design, particularly relating to the work of the Adam brothers.

The expert adviser stated that previously the figure was thought to have had a restored head, one that was identified as a Roman empress, either Agrippina or Livia. The discovery of an almost identical, but less well preserved, version of this figure from Pozzuoli demonstrated instead that this was actually an idealised image, probably representing a Greek goddess. The sculpture's arms had been restored, and there were no immediately recognisable or distinctive attributes that would identify one Olympian goddess from another; nonetheless, the drapery was arranged in such a way as to be entirely appropriate for a representation of Aphrodite. The recognition that the head definitely belonged to the body had been a major milestone. For the statue to have survived with its original head intact was truly remarkable, as it was one of only two such examples known in the world (the other being the Pozzuoli statue).

The expert adviser went on to state that the statue was a prime example of the Roman sculptures, collected by English aristocrats in the 18th century, that had considerable influence on art and taste in the great period of neoclassicism in Britain. It was undoubtedly the most significant ancient sculpture at Syon House. The piece appeared to have been purchased by the 1st Duke of Northumberland from the Adam brothers' own collection, and was to form an integral element of the interior design for the Great Hall. The extensive bibliography on the sculpture revealed its significance for several disciplines of scholarship, including the study of the reception of Greek art during the Roman period and Roman interpretation of the sculptural traditions of the late 5th century BC. The sculpture was also illustrative of the desire for classical art amongst the rich and socially powerful families of both the Renaissance in Rome, and the English aristocrats of the 18th century.

The applicant disagreed that the statue met the Waverley criteria. It was not part of Robert Adam's plans for the decoration of the room at Syon House and came as an afterthought 12 years after his departure. There was nothing of outstanding importance about the statue's aesthetic qualities. It was typical of the kind of standard over-life size Roman marble female draped statues restored and cleaned in Rome from the 16th to the late 18th century in order to fit the taste of antiquities collectors at the time. The areas of incrustation which would have covered the surface after excavation had been aggressively cleaned off, and the original ancient surface of the statue no longer existed. The missing arms had been replaced by new arms in a modern Roman workshop; they were disproportionately large and carved in a late Baroque style making no effort to match the antique style. The overall condition of the statue could not be deemed to be excellent.

The applicant considered that the importance of the statue remained limited to a fairly narrow branch of the study of ancient Roman art, namely the study of Roman marble copies of Greek originals, and how they could be used to reconstruct what the Greek original work would have looked like. Close comparison with the nearly identical Pozzuoli statue now allowed scholars to reach a better understanding of the Greek prototype. However, the Syon statue was of inferior quality to the Pozzuoli work.





The Reviewing Committee heard this case in November 2014 when the sculpture 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 Greek sculpture, the reception and interpretation of Greek art during the Roman period and the history of collecting. 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 £9,594,200.

We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the sculpture, the deferral period should be extended by a further six months.

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



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## Case 9

### *The Campbell Sisters Dancing a Waltz, by Lorenzo Bartolini*

This white marble sculpture, on a white marble plinth, by Lorenzo Bartolini (1777–1850) dates from 1820, and measures 170cm high (plinth 92cm by 98cm by 78cm).

The applicant had applied to export the sculpture to the USA. The value shown on the export licence application was £523,800, which represented the price realised at auction of £420,000 plus the buyer's premium of £103,800 (including £17,300 VAT).

The Senior Curator of Sculpture at the Victoria & Albert Museum, acting as expert adviser on behalf of the V&A's Keeper of Sculpture, Metalwork, Ceramics and Glass, had objected to the export of the sculpture under the first and third Waverley criteria on the grounds that it was so closely connected with our history and national life that its departure would be a misfortune and that it was of outstanding significance for the study of 19th-century sculpture.

The expert adviser stated that this figure group, carved in Carrara marble, of two young women in flowing high-waisted décolleté dresses and sandals, stepping forward in a dance, depicted Emma and Julia Campbell, the youngest daughters of Lady Charlotte Campbell, who was herself the youngest daughter of the 5th Duke of Argyll. After the death of Antonio Canova in 1822, Lorenzo Bartolini was arguably the greatest living Italian sculptor. He was an eclectic and complex artist, enamoured of the Florentine Quattrocento, as well as neoclassical purity and naturalistic observation, which came from his training and working in France. Moreover, he greatly admired the British sculptor John Flaxman, as could be seen from the inscribed dedication on the plinth of the present group. This remarkable sculpture had remained within the Campbell family, almost certainly displayed for nearly two centuries at their family seat at Inveraray Castle, Argyll, ever since it was first commissioned. It was the only example of a major commission of a figure group from a British patron given to Bartolini, who was to become one of the leading European sculptors of his day.

As Bartolini had devoted much of his career to the production of portrait busts, this superlative full-length group stood out as an exceptional work: it was both animated and tender. It was of its time, in that it was an unmistakably early 19th-century work, but simultaneously broke away from the conventional sculpted portrait, suggesting the youth and vibrancy of the two sisters.

The applicant stated that they felt it was difficult for a case to be made under the first or third Waverley criteria. The sculpture had not been carved in the UK and the Campbell sisters were not distinguished sitters with any claim to fame other than the fact that their mother, Lady Charlotte Campbell, wrote more than a dozen, largely forgotten novels. Although the work was seen in Bartolini's studio in Florence soon after it was made, and it was assumed that it had been at Inveraray Castle since the early 1820s, there was actually no hard evidence of its presence there until 1936. However, the applicant did consider that the work was of outstanding aesthetic importance. Bartolini was undoubtedly one of the most important sculptors of his age and this was an excellent example of his ability to produce vibrant and highly intimate groups, at odds with the prevailing cool neoclassical style.

The Reviewing Committee heard this case in December 2014 when the sculpture 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 Bartolini, the development of British neoclassical sculpture and Britain's cultural connections with Florence in the 19th 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 £523,800. 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 sculpture, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the statue by the National Galleries of Scotland and the Victoria & Albert Museum. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the statue had been purchased jointly by the National Galleries of Scotland and the Victoria & Albert Museum, with the aid of the National Heritage Memorial Fund, the Art Fund, a contribution from the Wolfson Foundation and a donation in memory of A. V. B. Norman.

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## Case 10

### English translation of Erasmus's *Enchiridion militis Christiani*

This is an English translation of Desiderius Erasmus's (b.1467, d.1536) *Enchiridion militis Christiani*, ink on paper, dated 1523 and measuring 22.5cm by 31cm by 4.5 cm (leaves each 285 x 190mm)

The applicant had applied to export the manuscript to the USA. The value shown on the export licence application was £264,325, which represented the price realised at auction of £200,000 plus the buyer's premium of £42,500, as well as US Sales Tax of £21,825 (this would be recoverable by the owner and therefore not payable in the event of a sale to a UK purchaser).

The Head of Western Heritage Collections, British Library, acting as expert adviser, had objected to the export of the manuscript under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the reception of Erasmus in pre-Reformation England and the patronage that supported this activity of translation and transmission.

The expert adviser stated that this manuscript, the earliest known English translation of any work by the humanist scholar and reformer Desiderius Erasmus, was of outstanding significance. It was the only known manuscript of a contemporary English translation of Erasmus's most popular work, the *Enchiridion militis Christiani*, or 'handbook of the Christian soldier', a compendium of humanistic piety which had evoked widespread interest in 16th-century Europe. The present manuscript was dated 1523, 10 years before the first printed edition in English, and written probably by a professional scribe for presentation rather than commercial purposes. It included marginal glosses not present in the printed editions and lacked the opening epistle included in the editions; it preserved a hitherto unknown English translation of the *Enchiridion*. Two contemporary accounts testified that the religious reformer William Tyndale had translated Erasmus's *Enchiridion* into English in 1522 or 1523. However, there had been no secure evidence to date that it had survived, and scholars had long debated whether the 1533 printed edition was of Tyndale's translation. The proximity of the date of this manuscript to Tyndale's putative *Enchiridion* suggested a potential identification with his 'lost' translation.

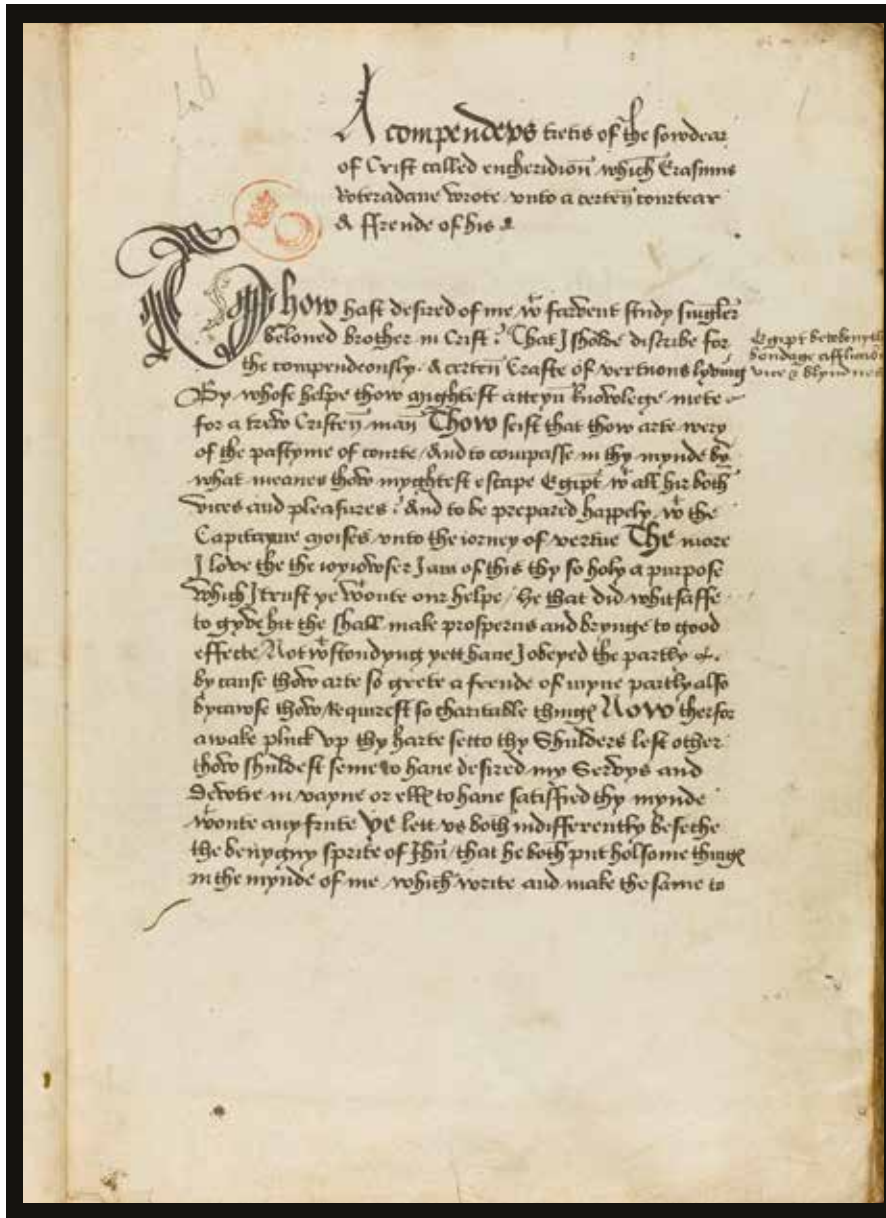
Scholarly access to the manuscript would permit a reassessment of the importance of the *Enchiridion* in Erasmus's oeuvre, and of its impact in pre-Reformation England. The large number of English translations of Erasmus's texts suggested that his views were central to contemporary English affairs and to the subsequent 'middle way' of Henrician and Elizabethan religious settlements. Given the particular popularity of the *Enchiridion* in England, its translation in this country needed to be considered not merely as a literary and linguistic exercise, but as a formative text for Henry VIII's court. If the manuscript's text could be ascribed to Tyndale, it would represent an outstanding opportunity to study Tyndale's apprenticeship in the art of translation, in the years leading up to the 1526 New Testament for which he was acknowledged as 'the greatest of Tudor translators'.

The applicant disagreed that the manuscript met the Waverley criteria. It was written in a very attractive scribal hand, but could not be said to be of outstanding aesthetic importance.

The primary scholarly importance of the manuscript was that it was a previously unknown witness to a text translated by William Tyndale. Any new edition of Tyndale's translation of Erasmus's *Enchiridion* would have to take this manuscript into account, although detailed examination would be required to ascertain its significance, including the crucial question of whether it should form the copy-text of a putative new edition. However this did not mean that the original manuscript was of outstanding scholarly significance; detailed editorial work could be undertaken from high-quality copies. There was undoubtedly other scholarly research that could also be undertaken on the manuscript, but many other high-quality scribal manuscripts of a similar date were already found in UK institutions and awaiting study.

The Reviewing Committee heard this case in December 2014 when the manuscript 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 cultural movements towards the Reformation in England, the earliest known translation of Erasmus into English and scholastic links between Erasmus and Tyndale.





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 £242,500. 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 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. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the manuscript had been purchased with core funds by the British Library with assistance from the Friends of the National Libraries, the Friends of the British Library, the National Heritage Memorial Fund and a private benefactor.

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## Case 11

### The Thomas Walpole Archive

This is an archive of the papers of Thomas Walpole (1727–1803), MP and banker, with some later Walpole family papers. It comprises circa 700 letters with some related papers contained within one bound volume and seven archive boxes.

The applicant had applied to export the archive to the USA. The value shown on the export licence application was £125,000, which represented an agreed sale price subject to the granting of an export licence.

The Curator of Early Modern Archives & Manuscripts, Special Collections, the Bodleian Libraries, acting as expert adviser, had objected to the export of the archive under the third Waverley criterion on the grounds that it was of outstanding significance for the study of the history of the 18th century.

The expert adviser stated that Thomas was a member of the famous Walpole family: his father was Horatio, 1st Baron Walpole of Wolterton, diplomat and politician, brother of Sir Robert Walpole, Prime Minister under George I and George II. The archive provided a detailed picture of the workings of finance, business and diplomacy from the unusual point of view of a man who, although not well known himself, evidently had connections with the biggest names in politics, business and diplomacy of the latter half of the 18th century. Thomas had married into the Vanneck family of rich merchants, which gave him a place in the London business world. By 1760 he was one of the leading men in the City, and as such, leading politicians relied on him as a source for the views of the Square Mile on political matters. His connections were reflected, for example, in the correspondence with William Pitt, 1st Earl of Chatham (1708–78), which contained important historical material relating to reactions to the American War of Independence and Walpole's role in trying to negotiate peace between Britain and France in 1782. Taken overall, the correspondence was exceptional for its insights into the complexity of the period from the American to the French Revolutions, and for the numbers of letters from major figures, such as William Pitt the Elder, the Duke of Newcastle, Lord Camden, Charles James Fox and Jacques Necker, the then French Finance Minister. In the letters these leaders discussed matters of great significance for 18th-century British history, especially regarding Anglo-American relations at this critical juncture.

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The papers also provided a very personal angle on the workings of the military-fiscal state, a key aspect of 18th-century British history, linking family, business and high politics.

The Walpole family connection was of prime importance, and the correspondence revealed how Thomas was able to build on the family's eminence: the West Indian estates, the banking connection with the Alexanders of Edinburgh, the East India Company and the Bank of England, and the resulting diplomatic opportunities deriving from this connection. The family's business connections also illuminated the financial and commercial world, and the development of banking at this important stage in its history in the United Kingdom. One aspect of the papers which made them particularly interesting was that Walpole met with financial disaster during this period, while the candour of the letters provided unusual insight into the workings of both state and society. The expert adviser noted that the papers complemented another archive of Thomas Walpole of a similar size, now housed in Cambridge University Library.

The applicant disagreed that the archive met the Waverley criteria. They stated that Thomas Walpole could not himself be considered a person of preeminent national importance. Although his business interests reached out into France, Spain and America, they were relatively short-lived; he was declared bankrupt in 1774 and never regained his position. The archive itself clearly did not justify consideration under the second Waverley criterion, and it seemed hard to argue that it met the first Waverley criterion. The papers covered a considerable range of activity and endeavour and in no particular instance could they be said to be national treasures of outstanding importance in relation to any particular place or event, nor to any branch of art, learning or history under the third criterion.

The Reviewing Committee heard this case in January 2015 when the archive was shown to us. We found that the archive did not meet any of the Waverley criteria. An export licence was therefore issued.

**Plate 8** *A Mediterranean Port at Sunrise with the Embarkation of Saint Paula for Jerusalem*, by Claude Gellée, called Claude Lorrain





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## Case 12

### *A Mediterranean Port at Sunrise with the Embarkation of Saint Paula for Jerusalem*, by Claude Gellée, called Claude Lorrain

This painting by Claude Lorrain (1604 or 1605–82) is oil on canvas, measures 100.9cm by 135.2cm and was painted circa 1650.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £5,066,500, which represented the hammer price paid at auction of £4,450,000 plus the buyer's premium of £616,500.

The Director of the National Gallery, acting as expert adviser, had objected to the export of the painting under the second Waverley criterion on the grounds that it was of outstanding aesthetic importance.

The expert adviser stated that, as a result of a recent reassessment, this painting had now emerged as amongst the finest examples of Claude Lorrain's seaport and harbour scenes, a subgenre that comprised more than a quarter of the artist's output, for which he was especially admired. The painting represented a rarely depicted subject during the 17th century, the story of Saint Paula, told by Saint Jerome in his letters and partially cited in Jacobus de Voragine's *The Golden Legend*. After the deaths of her husband and eldest daughter, Paula, a Roman matron of noble birth, had undergone a powerful spiritual conversion, renouncing all worldly possessions and leaving Rome for the Holy Land in 385. Although he was depicting an expansive seaport view, Claude Lorrain had taken great care in painting individual details within this work. The balanced and successful organisation of the picture revealed how carefully the artist had considered Saint Paula's story and how best to relate it visually.

Lorrain was famous for the subtlety and beauty of his lighting effects and in this work the suffused light played a prominent position in the picture. The light, with its symbolic associations with divinity, reinforced Paula's conversion and extreme piety. The artist's convincing ability to suggest subtly the reflection of light on all surfaces within the painting imbued this work with an extraordinary poetic beauty. The composition was framed by architecture and landscape on the left and right, a device that Lorrain employed in other seaport scenes. Furthermore, the hard stone marble column contrasted with the softer trees and the rippling effects of the water, thus exhibiting the artist's virtuosic

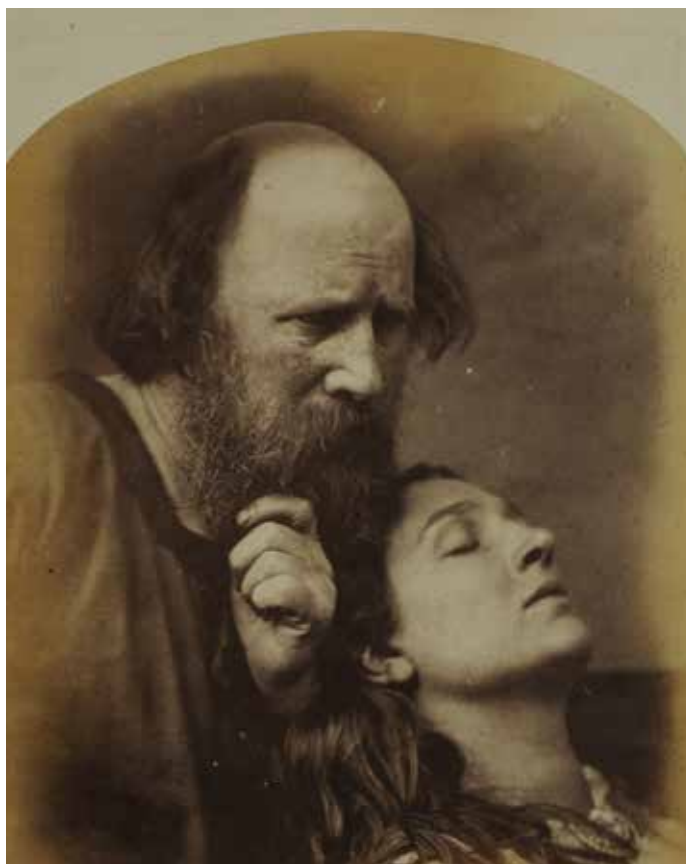
ability to paint a variety of surface textures, both man-made and natural. This resulted in a highly moving painting.

The applicant disagreed that the painting met the Waverley criteria. Neither the artist nor the picture had a close connection with our history and national life. The unsigned picture, with its somewhat obscure subject, should be considered an extremely fine example of Claude Lorrain's mature oeuvre, circa 1650, but not one of the highest rank. The UK was blessed with the existence of more paintings by Claude Lorrain – including those of the highest calibre – than of practically any other important continental old master. The National Gallery, for example, had 12, including the sublime *Seaport with the Embarkation of the Queen of Sheba* and its equally magnificent pendant *Landscape with the Marriage of Isaac and Rebecca*, both of which were of far greater ambition than the picture in question, and were considered true masterpieces of the artist's oeuvre. Furthermore, Claude Lorrain was represented in oils in museums across the UK, and many in private collections were also often viewable by the public. The applicant did not consider that the present work stood out in terms of aesthetic importance from many of the works listed in their submission.

The provenance of the painting could not easily be described as of outstanding significance within the output of works by Claude Lorrain still in this country. In terms of the importance of the picture in the study of the artist's oeuvre, or more broadly of 17th-century French painting, the UK already had a very rich body of works from which to choose.

The Reviewing Committee heard this case in January 2015 when the painting was shown to us. We found that it met the second Waverley criterion on the grounds that it was of outstanding aesthetic importance. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £5,066,500 (plus VAT 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 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.



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## Case 13

### The Rejlander Album

This album contains 71 portrait and figurative albumen print photographs by Oscar Rejlander (1813–75), mounted on gilt-edged card leaves in an album with gilt and tooled black morocco bindings and taken between c.1856–66.

The applicant had applied to export the album to Canada. The value shown on the export licence application was £82,600, which represented the hammer price at auction of £70,000 plus the buyer's premium of £12,600.

The Curator of Photography and Photographic Technology, National Media Museum, acting as expert adviser, had objected to the export of the album under the second and third Waverley criteria on the grounds that it was of outstanding aesthetic importance and of outstanding significance for the study of the history of photography and for the wider understanding of 19th-century art.

The expert adviser stated that Rejlander was one of the most important and significant photographers of the 19th century and a pioneer of art photography, who favoured sentimental genre studies, narrative tableaux and portraits with a strong theatrical or emotional element. His pioneering work in combination printing – combining several negatives to form one image – brought him wide renown, and his championing of genre photography led to it becoming a significant theme by the mid-1860s. While Rejlander was perhaps less well known now, he was certainly thought of as a highly influential figure in his time, and regarded by contemporaries as a major star. In the UK, small collections of his photographs were held by the Victoria & Albert Museum, the National Portrait Gallery and the Royal Collection. By far the largest and most significant body of Rejlander's work in the UK was in the Royal Photographic Society (RPS) Collection at the National Media Museum.

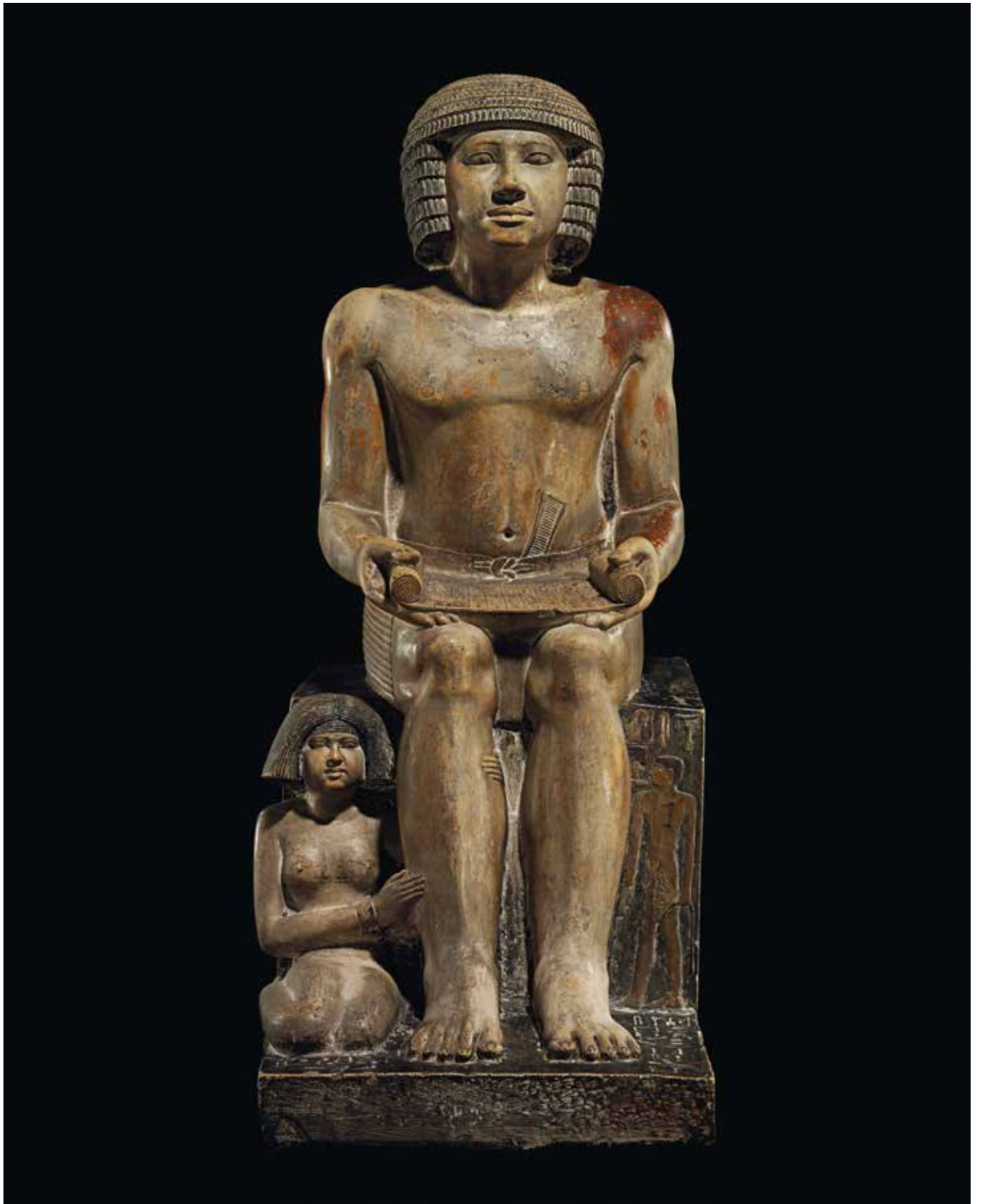
The provenance of the present album seemed potentially interesting; a pencil annotation in the album suggested that it (or perhaps just one of the prints) may have been bought directly from the photographer. The album contained an exceptional selection of Rejlander's work. Whilst a few of the prints were well known and other examples could be found in other UK collections, the majority were previously unknown studies. Similarly, whilst a few of the sitters had been identified as prominent figures from the world of art and literature, further research was required to try to identify the remainder. In the RPS Collection at the National Media Museum the expert had identified

examples of nine photographs which were also included in the album, four of which had been printed in reverse.

The applicant disagreed that the album met the Waverley criteria. They stated that it was unlikely that Rejlander himself was its creator. Comprised mainly of portraits and 'studies', the only well-known people with their likenesses included in the album were the poet Sir Henry Taylor and Rejlander himself. The self-portrait of Rejlander did seem to be the only known print of this image, but there were other self-portraits of the artist in UK collections. The album was not the only one of its kind in England, and Rejlander's work could be found in several public art institutions, including at least seven in the UK. Concerning the second Waverley criterion, none of the present photographs were related to the work, *The Two Ways of Life*, for which Rejlander was best known, nor were there any examples of his early experimentation with combination photography. The prints in the album were in good condition, but could not be considered the best examples of Rejlander's skills as a printmaker, and they were not as tonally rich or as detailed as some other examples of his albumen prints. Finally, many of the works found in this album were already well known to Rejlander scholars and could be found in several collections in the UK and in the United States. Since the compiler was not known and many of the sitters unidentified, the album's value as a tool for scholars was minimal. It did not shed any light on Rejlander's working method nor did it provide insight into his other, more famous works.

The Reviewing Committee heard this case in February 2015 when the album 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 Oscar Rejlander, the history of photography and the wider understanding of 19th-century art. 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 £82,600. 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 album, 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 Portrait Gallery to raise funds to purchase the album. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the album had been purchased by the National Portrait Gallery with assistance from the Art Fund.





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## Case 14

### The Statue of Sekhemka

This Egyptian painted limestone statue, measuring 75cm high x 75cm wide x 31.2cm deep, dates from the Fifth Dynasty (Old Kingdom), circa 2400–2300 BC. The ancient sculptor is unknown (as is common with pharaonic artworks), but the statue depicts an official named Sekhemka with his wife and a relief representation of a son and offering bearers.

The applicant had applied to export the statue to the USA. The value shown on the export licence application was £15,762,500, which represented the price paid at auction of £14,000,000 plus the buyer's premium of £1,762,500.

The Keeper, Ancient Egypt & Sudan, British Museum, acting as expert adviser, had objected to the export of the statue 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 Egyptology and the history of art.

The expert adviser stated that the statue represented an ancient Egyptian official, Sekhemka (an 'inspector of scribes of the house of largesse'), surrounded by his wife holding his right leg with both her hands, son and seven offering bearers. Originally it stood in a tomb chapel where priests and relatives brought offerings as sustenance for his spirit. Sekhemka sat on a cubic seat and read from a partially unrolled papyrus, inscribed with a list of offerings for his own eternal benefit. The original paint was still largely preserved, with Sekhemka shown with red skin and a black background to the chair. The statue was a sublime product of one of the peak periods of artistic production in pharaonic Egypt: the Old Kingdom (c. 2650–2150 BC). It was arguably the finest piece of non-royal sculpture from Old Kingdom Egypt (age of the pyramids) anywhere in the world, and there was not a single object of this quality, form and date housed in a UK collection, public or private.

The statue embodied, like no other private statue of the third millennium BC from Egypt, the integration of hieroglyphic texts, relief scenes and three-dimensional sculpture in one work, revealing the playful experimentation of a very skilled sculptor. As with most pharaonic artworks, the identity of the draughtsmen and sculptors remained unknown, but the outstanding quality indicated it was undoubtedly produced in an elite, possibly royal, workshop. Three extraordinary features of the statue were worth highlighting: (i) Old Kingdom statues representing entire family

groups were exceedingly rare worldwide; (ii) only one other Egyptian statue from the third millennium BC showed a seated official with a papyrus on his lap, and this did not bear hieroglyphic text (Egyptian Museum, Cairo) and (iii) the rows of offering bearers on the sides and back of the seat, as an integral part of the overall composition, were without direct parallel.

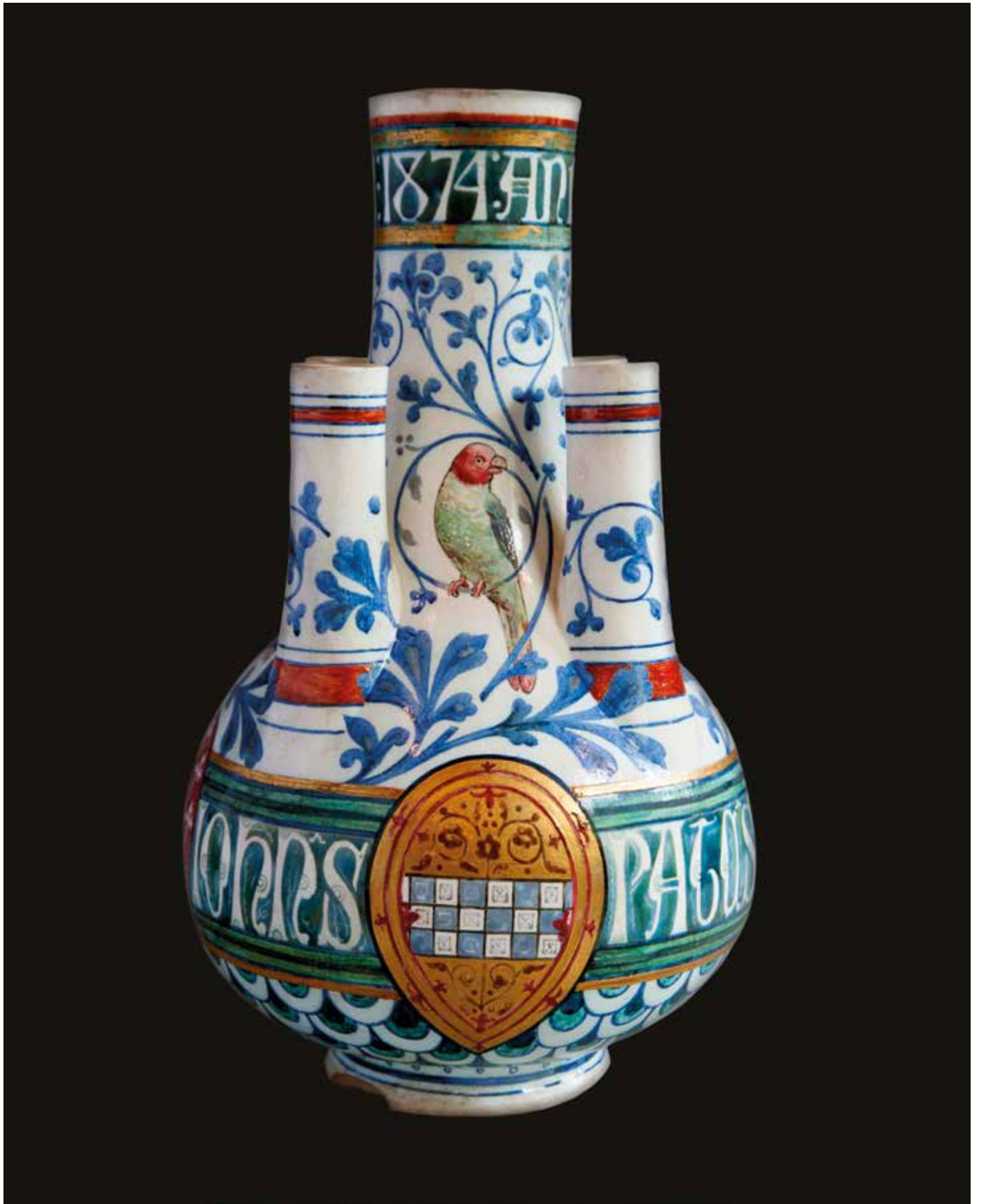
The statue reflected Britain's 19th-century engagement with Egypt, the role of the landed elite in shaping Britain's understanding of the ancient world and the historiography of collections of ancient art, as it was brought to this country by the 2nd Marquess of Northampton in 1849–50. It had, since the late 19th century, been an integral part of the public museum display in Northampton. Finally, the statue was of great significance in understanding the development of private statuary and funerary religion in Egypt, and the history of human self-representation. Stylistic details in the execution of both the figures and the hieroglyphic inscriptions required closer study and might well reveal connections with other, more damaged works of the same artistic origin. The statue was thus of supreme importance for the subjects of Egyptology and the history of art.

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

The Reviewing Committee heard this case in November 2014 when the statue 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 that its departure would be a misfortune, that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the development of private statuary and funerary religion in Egypt and the history of human self-representation. We recommended that the decision on the export licence application should be deferred for an initial period of four months to allow a purchase offer to be made at the fair matching price of £15,762,500 (plus VAT, which could be reclaimed by an eligible institution). We further recommended that if, by the end of the initial deferral period, a potential buyer had shown a serious intention to raise funds with a view to making an offer to purchase the statue, the deferral period should be extended by a further eight months.

We were informed of a serious intention to raise funds to purchase the statue. A decision on the export licence application was deferred for a further eight months.

**Addendum** – At the time of going to press, which occurred after the end of the second deferral period, no matching offer was received and an export licence was issued.



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## Case 15

### A William Burges vase from the Summer Smoking Room, Cardiff Castle

This flower vase, measuring 36cm high x 21.6cm wide, was made of glazed stoneware with painted and gilded decoration. It had been designed by William Burges (1821–81), for Cardiff Castle, Wales, and was dated 1874.

The applicant had applied to export the vase to the USA. The value shown on the export licence application was £163,000, which represented the agreed sale price, subject to inspection by the purchaser.

The Senior Curator of Sculpture at the Victoria & Albert Museum, acting as expert adviser on behalf of the Keeper of Sculpture, Metalwork, Ceramics & Glass, Victoria & Albert Museum, had objected to the export of the vase 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 William Burges's great range and skill as a designer and the eclecticism that characterises his style.

The expert adviser stated that the vase was created as an integral part of one of the preeminent architectural and decorative commissions of the 19th century, and certainly the most significant in Wales. William Burges was one of the most original and important British architects and designers of the 19th century. His work drew on a great range of sources, including the arts of the Middle Ages, the Islamic world and East Asia. Burges created two of the most opulent Gothic Revival buildings in Britain: Cardiff Castle and Castell Coch. The commission to rebuild Cardiff Castle for John Patrick-Crichton-Stuart, 3rd Marquess of Bute (1847–1900), provided Burges with an unprecedented opportunity to realise his ideas on a grand scale.

The vase represented an incredibly rare venture by Burges into designing vessels consisting solely of ceramic materials. Furthermore, quite apart from its exceptional quality, the Gothic Revival vessels of any type were rare and this commission was a unique and documentary instance of this style of ceramic production with Welsh associations. The vase exemplified Burges's great range and skill as a designer and the eclecticism that characterised his style.

This vase was one of a suite of four designed in 1874 to be placed on stone brackets in the corners of the Summer Smoking Room, a galleried interior at the top

of the dominant Clock Tower of Cardiff Castle. Burges had his patron's name and the date inscribed around the vase: the inscription 'IOHNS PATCS. MARQ. DE BUTE' runs around the body, where it is embellished with Bute's armorial bearings, and 'ANNO DOMINI 1874' is inscribed around the neck. Two of the four vases were formerly in the Handley-Read Collection and are now in the Victoria & Albert Museum and the Higgins Art Gallery & Museum, Bedford. The third vase remained in private ownership.

The applicant did not agree or disagree that the vase met the Waverley criteria. When invited to respond to the expert adviser's written submission, they stated that while they did not query that the vase was a very fine item, they did not think it was particularly exceptional in terms of quality or 19th-century design. The applicant felt that it was the provenance that made the item exceptional. Furthermore, they suggested that Gothic Revival pottery was not as rare as the expert adviser had suggested, since all the major factories embraced the style.

The Reviewing Committee heard this case in April 2015 when the vase 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 that its departure would be a misfortune, that it was of outstanding aesthetic importance and that it was of outstanding significance for the study of the development of William Burges's great range and skill as a designer and the eclecticism that characterises his style. 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 £163,000 (plus VAT, 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 vase, the deferral period should be extended by a further three months.

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

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## Case 16

### *Swinton School Mural, by Hans Coper*

In September 2014, we considered a new application to export *The Swinton School Mural* by Hans Coper (1920–81), dated circa 1961, made from stoneware with black manganese and porcelain slips composing of a series of interlocking discs, the largest measuring 60cm (please see Case 22 of the 2012/2013 Annual Report). We concluded that the mural 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 17

### *A collection of works by Thomas Baines, North Australian Expedition, 1855–57*

This collection of works by Thomas Baines (1820–75) included: 21 oil paintings on canvas, all measuring 45.1cm by 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, all taken in the course of Arthur Gregory's expedition to Northern Australia in 1855–56; 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.

Although an export licence had been issued for the Baines collection following the Reviewing Committee's consideration of the 2013 application (see Case 25, Annual Report 2013/14), a new export licence application was required due to the time expiry of the original sale contract before the issue of the licence.

The applicant had applied to export the collection to Australia. The value shown on the export licence application was £2,750,000, 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, as expert adviser, had previously 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 (see Case 25, Annual Report 2013/14). He confirmed in advance of the meeting that he still felt the material met the Waverley criteria.

In advance of the meeting the expert adviser and the applicant were informed that we were not minded to revisit the recommendation we had made on 13 June 2013 that the material met the third Waverley criterion. The expert adviser indicated that he had nothing further to add, other than to emphasise the hitherto unexploited research value of the sizeable number of drawings and paintings relating to regions outside Australia, notably Timor, and he was not aware of any further comparable material appearing recently on the market. On this basis, the Committee resolved that our recommendation that the materials met the third Waverley criterion should continue to stand. We reviewed a paper prepared by the applicant which provided an explanation for the change in the original price of £4,200,000 to the new price of £2,750,000.

We heard this case in July 2014 and recommended that the decision on the export licence application should be deferred for an initial period of three months to allow a purchase offer to be made at the fair matching price of £2,750,000 (net of VAT). We further recommended that if, by the end of the initial deferral period, a potential buyer 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 three months.

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





Export of Objects  
of Cultural Interest  
2014/15

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# Appendices

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# Appendix A

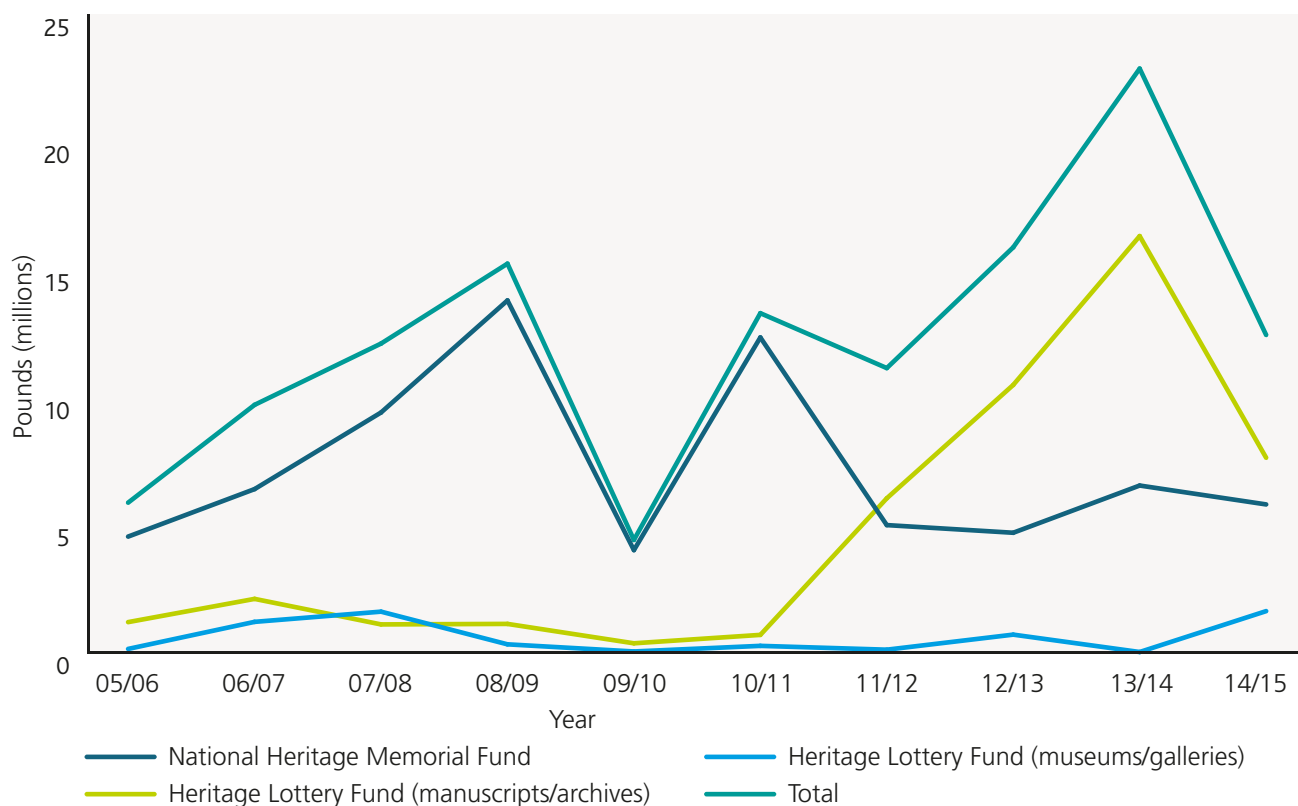
## Report on additional funding for acquisitions

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 in 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 2015 (£ millions) approximate*
2005/06	4.54	1.19	0.14	5.87	7.90
2006/07	6.4	2.1	1.2	9.7	12.66
2007/08	9.4	1.1	1.6	12.1	15.14
2008/09	13.79	1.12	0.32	15.23	18.32
2009/10	4.01	0.36	0.04	4.41	5.33
2010/11	12.34	0.69	0.26	13.29	15.37
2011/12	4.99	6.04	0.11	11.14	12.24
2012/13	4.69	10.48	0.7	15.87	16.90
2013/14	6.54	16.31	0.019	22.87	23.64
2014/15	5.30	7.64	1.62	12.94	12.94

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

## National Heritage Memorial Fund and Heritage Lottery Fund spend on acquisitions 2005/06 to 2014/15



### 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 our 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.

The National Heritage Memorial Fund was asked to support three items which were deferred during the year. National Museum Wales acquired a tulip vase by the designer and architect William Burges, one of a set of four designed by Burges as a part of his redecoration scheme for Cardiff Castle. The British Library acquired a previously unknown manuscript of an English translation of *Enchiridion militis Christiani* by Erasmus. The sculpture *The Campbell Sisters Dancing a Waltz*, by the

19th-century artist Lorenzo Bartolini, was acquired jointly by National Galleries of Scotland and the Victoria & Albert Museum.

Other than export-deferred items, this year the National Heritage Memorial Fund funded a significant number of archives and literary heritage. Our largest award was to the Art Fund to help secure the Minton Archive. The Art Fund immediately gifted the archive to Stoke-on-Trent City Archives where it will be shared with the Potteries Museum & Art Gallery and the Wedgwood Museum. Other funded archives were the Stirling of Keir and Cadder Archive, the family archive of the Stirling Maxwells dating from 1338, for Glasgow City Archives, and the Schroder Collection of correspondence and manuscripts by Rupert Brooke for King's College, Cambridge.

Other acquisitions included the Simon Heneage collection of Heath Robinson drawings and paintings for the William Heath Robinson Trust, which will be displayed in the new Heath Robinson Museum opening in Harrow in April 2016; an archive of letters from



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Sir Edward Burne-Jones to May Gaskell and her daughters for the Ashmolean Museum, which dates from the last five years of the artist's life; and an exceptionally rare pre-Reformation English missal, the Broughton Missal, for Lambeth Palace Library.

### **ii) The Heritage Lottery Fund**

The Heritage Lottery Fund is the largest funder of the UK's heritage, with around £400 million a year to distribute. This year there was a spread of acquisitions of portable heritage, from literary heritage, fine art/sculpture through to archaeology. One of the largest awards was for the acquisition of the personal papers of theatre, opera and film director Peter Brook by the Victoria & Albert Museum. We also supported the acquisition and/or digitisation of two other archives – the Beaford Archive documenting rural north Devon from 1870 to 1990 and the scrapbooks of the owner of Glasgow's Britannia Panopticon Music Hall, comprising information on popular entertainment, theatre, music hall and the beginnings of cinema.

Other awards helped acquire a long-lost oil painting by Paisley-born artist John Knox depicting Glasgow Fair in the late 1810s or early 1820s for Glasgow Museums, and a late Roman gold coin hoard for St Albans' Museums.

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. In September 2014, 23 grant awards were made, amounting to £5,118,400. Of these, 18 went to projects led by a museum, four to projects led by an archive and one to a project led by a library. The collections to be acquired include works of the Great Bardfield Artists, British children's literature, Jane Austen Bicentenary Collections, Artists of the Black Movement in Britain 1979–1984, the Scottish textile industry and 150 years of Radical Movements for Democracy from 1819 to 1969.

Details of awards for the acquisition of export-deferred items are in Appendix H (page 66).

### **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 2014/15, the Art Fund contributed towards the acquisition of three items placed under temporary deferral. These were *The Campbell Sisters Dancing a Waltz* by Lorenzo Bartolini (case 9), the Rejlander Album (case 13) and the Burges vase (case 15). Details are in 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. The fund was not asked to support with any export-deferred items in the reporting year.

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

The National Fund for Acquisitions (NFA), provided by the 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 2014/15, the NFA made 72 payments totalling £198,289, enabling 34 organisations to make acquisitions costing £537,655. As of 31 March 2015, a further 15 awards totalling £32,385 had been committed but not yet paid. The fund was not asked to support with any export-deferred items in the reporting year.

### **vii) Acceptance in Lieu and the Cultural Gifts Scheme**

Acceptance in Lieu 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 2014/15, 29 Acceptance in Lieu and Cultural Gifts Scheme cases were completed, resulting in almost £40 million-worth of important objects and archives being secured for the nation. Details are in the Acceptance in Lieu and Cultural Gifts Scheme 2014/15 Annual Report, available on the Arts Council's 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 (e.g. a museum or gallery) listed under Schedule 3 to the Inheritance Tax Act 1984. Qualifying heritage objects include any previously granted conditional exemption or an item which would qualify as of preeminent importance. This dispensation was extended in April 2009 to Corporation Tax on companies' chargeable gains. This is an advantageous arrangement

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because a public collection will need to raise less purchase funds than what would have been paid under normal arrangements to the extent of a proportion of the tax (usually 75 per cent) that would otherwise have been chargeable. As an incentive to vendors to offer qualifying heritage objects first to British public collections, the remaining proportion of the tax (usually 25 per cent) that would otherwise have been chargeable may be retained by the vendor.

Schedule 3 to 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 regional 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 I for full details).

The Advisory Council is normally convened annually and met most recently on 17 June 2015. Sandy Nairne, Former Director of the National Portrait Gallery, addressed the Advisory Council on the National Portrait Gallery in an international context. The Council also considered the draft policy section of the Reviewing Committee's Annual Report for 2014/15. Its comments have been fully considered and are reflected in this text.

## Manuscripts, documents and archives

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

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

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

The Working Party usually meets annually, although it may meet more frequently if necessary. It met most recently on 5 May 2015 when it considered Open Individual Export Licences (OIELs). It discussed the need for greater clarification of the classes of material excluded from these licences, as well as the arguments for and against raising the limit on the value of individual items exported under them. The Working Party also discussed the Designation Scheme Review, progress on developing an electronic licence application system and advocacy for the Cultural Gifts Scheme.

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 catalogue 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 2014/15, the Arts Council England/V&A Purchase Grant Fund considered 16 cases in respect of manuscripts, documents and archival photographs, and offered 11 grants totalling £163,441, enabling purchases amounting to £520,863 to go ahead. Items purchased ranged from the archives of the Fox family of Falmouth, acquired by Cornwall Record Office, through the archive of Billie Whitelaw relating to her work with Samuel Beckett, bought at auction by Reading University Library, to a letter written immediately after the Battle of Rorke's Drift in 1879, bought by the Regimental Museum of The Royal Welsh in Brecon.

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## **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 2014/15, it made three grants towards the acquisition and conservation of archival or similar material. These grants totalled £40,507 for the conservation by Bristol Museum & Art Gallery of Dr Broughton's Herbarium, the acquisition of Edward Jenner's Observations on Emetic Tarter by the Jenner Trust, and the conservation by the Royal Albert Memorial Museum & Art Gallery of Company School botanical drawings.

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

The Friends assist various institutions primarily by promoting the acquisition of printed books, manuscripts and records of historical, literary, artistic, architectural and musical interest. The Friends made or committed 41 grants to 38 institutions in 2014, totalling £151,079 from the operating fund and £65,630 from the restricted funds. Over £216,709 was awarded to university libraries, local record offices and smaller institutions.

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

In 2014/15, the Heritage Lottery Fund (HLF) committed £1.62 million to the acquisition and conservation of manuscripts and documents, and the National Heritage Memorial Fund (NHMF) committed £2.6 million, an overall total of £4.22 million. The recipients of the HLF grants included the Victoria & Albert Museum for the personal papers of theatre, opera and film director Peter Brook; and Beaford Arts for the conservation and digitisation of the Beaford Archive of over 80,000 images documenting rural north Devon from 1870 to 1990. The NHMF's largest award this year was to the Art Fund to secure the Minton Archive, a record of the design and industrial history of the Minton Pottery. The Archive was immediately gifted to Stoke-on-Trent City Archives where it will be shared with the Potteries Museum & Art Gallery and the Wedgwood Museum.

## **v) Acceptance in Lieu**

The Acceptance in Lieu Scheme is also an important means of retaining archival material within the United Kingdom. During 2014/15, it bought into public ownership five archives: the archive of the Earls of Raglan; the East Coker archive; the archive of the Earls of Dudley, the Londonderry Archive and the Papers of Margaret Thatcher. Information on all works of art and the archives accepted in lieu in 2014/15 can be found on the Arts Council's website at [www.artscouncil.org.uk](http://www.artscouncil.org.uk).

## **vi) The National Archives sales catalogue monitoring service**

The sales catalogue monitoring service, among its other functions, notifies repositories when manuscripts and archives become available for acquisition through public sales. This service is greatly valued by repositories and the Working Party commends the assistance it gives them. In 2014/15, 78 items were purchased by 49 different repositories as a result of notifications. However, there were 27 unsuccessful bids as repositories were outbid or dealers had already disposed of stock. The DWP would like to express its support for the vital work undertaken by The National Archives sales catalogue monitoring service.

The Working Party strongly endorses the work of these funds, schemes and services, 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 given.



**Table 1**

The statistics below show the figures for the number of cases from 2005/06 to 2014/15.

(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)
2005/06	22	17	9	53	8.3	8	47	7.3
2006/07	28	19 <sup>1</sup>	14 <sup>2</sup>	74	11.8	4	21	10.7
2007/08	18	16	9 <sup>3</sup>	56	2.5	7	44	12.8
2008/09	22	16	9	56	1.5	7	44	14.2
2009/10	14 <sup>4</sup>	13 <sup>5</sup>	7	54	10.1	6	46	60.8
2010/11	18 <sup>6</sup>	14 <sup>7</sup>	7	50	5.9	7	50	65.8
2011/12	11	7	4	57	29.8	3	43	44.8
2012/13	24	19 <sup>8</sup>	7	37	11.2	12 <sup>9</sup>	63	103.5
2013/14	29	22	8	36	13.9	14	64	66.9
2014/15	17	12	5	42	6.7	6 <sup>10</sup>	50 <sup>10</sup>	25.7 <sup>10</sup>
<b>Totals</b>		<b>155</b>	<b>79</b>	<b>51</b>	<b>101.7</b>	<b>74</b>	<b>48</b>	<b>412.5</b>

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

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

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

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

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

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

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

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

<sup>9</sup> 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.

<sup>10</sup> Excludes one case still under deferral at the time the Statistical Release was published (Statue of Sekhemka) but later licensed for export.

**Table 2**

The statistics below show the figures for the values associated with cases from 2005/6 to 2014/15.

(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) <sup>1</sup>	(5) Value (at deferral) of items in (4) (£m)	(6) Value of items in (5) as % of (3) (£m)	(7) Cases where the application was refused or withdrawn after the announcement of the Secretary of State's decision	(8) Value of items in (7) (£m)
2005/06	17	15.6	9	8.3	53	0	0
2006/07	19 <sup>2</sup>	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 <sup>3</sup>	71.5	6	10.1	14	1	0.6
2010/11	14 <sup>4</sup>	71.7	4	3.8	5	3	2.1
2011/12	7	74.6	4	29.8	40	0	0
2012/13	19 <sup>5</sup>	114.8	6	11.2	10	1	0.04
2013/14	22	80.7	8	13.9	17	1	12.5 <sup>6</sup>
2014/15	12	48.2	5	6.7	14	0	0
<b>Totals</b>	<b>155</b>	<b>532.6</b>	<b>71</b>	<b>93.7</b>	<b>18</b>	<b>10</b>	<b>21.14</b>

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

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

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

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

<sup>5</sup> Includes one case which was considered in 2011/12, but was referred to the Secretary of State in 2012/13.

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

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# 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 19th and beginning of the 20th centuries. Private collections in the UK had become the prey of American and German collectors and it was apparent that many were being depleted and important works of art sold abroad at prices in excess of anything that UK public collections or private buyers could afford. It was against this background that the National Art Collections Fund was established in 1903, to help UK national and regional 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 R.A. Butler, Chancellor in the subsequent Conservative administration, and its conclusions still form the basis of the arrangements in place today.

## Current export controls

The export controls are derived from both UK and EU legislation. The UK statutory powers are exercised by the Secretary of State under the Export Control Act 2002. Under the Act, the Secretary of State for Culture, Media and Sport has made the Export of Objects of Cultural Interest (Control) Order 2003. Export controls are also imposed by Council Regulation (EC) No 116/2009 on the export of cultural goods. The control is enforced by Border Force, a law enforcement command within the Home Office. 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 and
- 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 C 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 a 'national treasure'. It will designate an object as a national treasure if it considers that its departure from the UK would be a misfortune on one or more of the following three grounds, which are collectively known as the Waverley criteria (so named after Viscount Waverley) and 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 2014/15 is at the front of this report and brief details of members are included in Appendix D.

## The Waverley criteria

The Committee will designate an object as a national treasure if it considers that its departure from the UK would be a misfortune on one or more of the following three grounds:

History	Aesthetics	Scholarship
Is it closely connected with our history and national life?	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>

They 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. An illustrative selection includes:

**Paintings:** 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)

**Sculptures:** *The Three Graces* by Canova (1993)

**Antiquities:** 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) and a pair of Italian console tables with marquetry tops by Lucio de Lucci, the bases attributed to Andrea Brustolon

**Silver:** a Charles II two-handled silver porringer and cover, circa 1660, attributed to the workshop of Christian van Vianen (1999)

**Textiles:** a felt appliqué and patch-worked album coverlet made by Ann West in 1820 (2006)

**Manuscripts:** the *Foundation Charter of Westminster Abbey* (1980) and the *Macclesfield Psalter* (2005).

This short list shows quite clearly the immense cultural and historic value of what has been achieved.

Unfortunately, and perhaps almost inevitably, some have got away. Noteworthy examples include *David Sacrificing before the Ark* by Rubens (1961), *A Portrait of Juan de Pareja* by Velázquez (1971), *Sunflowers* by Van Gogh (1986) and *Portrait of an Elderly Man* by Rembrandt (1999). Among items other than pictures that have been 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), all of which are of the highest quality in their field. By any measure, these are all losses to the UK of items of world significance.

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# 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 in 1952 following the recommendations of the Waverley Committee in its report in September of that year. Its terms of reference are:

- a) to advise on the principles which should govern the control of export of objects of cultural interest under the Export Control Act 2002 and on the operation of the export control system generally;
- b) to advise the Secretary of State on all cases where refusal of an export licence for an object of cultural interest is suggested on grounds of national importance and
- 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 2014/15

### Sir Hayden Phillips GCB DL (Chairman)

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 Chairman 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 Chairman of its Fabric Advisory Committee. He was Chairman 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 & Sport from 1992–98, and the Lord Chancellor's Department (now the Ministry of Justice) from 1998 to 2004. He chaired the selection process for the board of the new Independent Press Standards Organisation.

**Appointed 17 March 2014: appointment expires 16 March 2019**

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## Richard Calvocoressi

Richard Calvocoressi, former Director of the Henry Moore Foundation 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 postwar 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 Scottish National Gallery of Modern Art was awarded the Gulbenkian Prize (now the Museum of the Year Award) for its commissioning of Charles Jencks' *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 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 Victoria & Albert Museum, she was Keeper of Metalwork at the V&A from 1989–99. From 1999 to 2003, she was Academic Director at Waddesdon Manor (the Rothschild Collection), and Associate Curator at the Gilbert Collection, Somerset House. She writes regularly on silver, social history and the history of collecting; her books include *Silver in Tudor & Early Stuart England* (V&A 1990), *London in Maps* (Connoisseur/Ebury Press 1972), *Women Silversmiths 1697–1845* (with J. Goldsborough, Thames & Hudson 1991), and, for the V&A, *Silver, Elegant Eating* and *The Art of Drinking* (1996, 2002, 2007). Philippa 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* and *Quand Versailles était Meublé d'Argent* (RMN & Chateau de Versailles 1993 & 2001), *Treasures of the English Church* (Goldsmiths Company/Holberton 2008) and *Baroque* (V&A 2009). She serves on the

Advisory Council of the Paul Mellon Centre for Studies in British Art and on the editorial board of international art magazine *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 expired 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 of Art in London. He has organised a series of major exhibitions and has published widely in his area of specialism, particularly on North Italian painting and drawing of the 16th and 17th centuries. In 2005, Aidan 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 2019**

## 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 17th to 20th centuries. His specialist area of expertise is the art market and British works of the aforementioned period.

**Appointed 3 June 2011: appointment expires 9 April 2019**



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## Christopher Rowell

Christopher Rowell was appointed to the curatorial staff of the National Trust in 1977 and has been Furniture Curator since 2002, advising on the Trust's collections in England, Wales and Northern Ireland. He is Chairman of the Furniture History Society, a Fellow of the Society of Antiquaries and a member of art committees at Winchester College, Eton College and Brooks's Club. He has published widely in various art-historical periodicals and compendia. His National Trust publications include *Treasures from India: The Clive Collection at Powis Castle* (1987) in partnership with Mildred Archer, Robert Skelton and specialist curators at the Victoria & Albert Museum; *Uppark Restored* (1996) with John Martin Robinson; *Polesden Lacey* (1999); *Turner at Petworth* (2002), an exhibition catalogue in collaboration with Ian Warrell and David Blayney Brown of Tate Britain; *Clandon Park* (2002) with Sophie Chessum; and *Petworth: The People and the Place* (2012). He was editor and principal contributor to *Ham House: 400 Years of Collecting and Patronage* (2013). The book – shortlisted for the William MB Berger Prize for British Art History 2014 – inaugurated the publishing partnership between the National Trust, the Paul Mellon Centre for Studies in British Art and Yale University Press.

**Appointed 10 April 2015: appointment expires 9 April 2019**

## 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 UCL Institute of Archaeology. 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, Leslie 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 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. She has also carried out advisory work for bodies such as the Bede's World Museological and

Academic Advisory Committee, the English Heritage Museums and Archives Advisory Panel and the Portable Antiquities Advisory Group. Leslie 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 serves on 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 London (2002) and a Fellow of the Royal Historical Society (1982). His publications include *George III* (2005) and, as editor, *Sir Robert Cotton as Collector: Essays on an Early Stuart Courtier* (1997). From 1989–99, he was editor of the *British Library Journal*. He served as a Trustee of the Sir Winston Churchill Archives Trust, Cambridge (2001–05) and was on the Council of the Friends of the National Libraries (2003–06). Since August 2005, Christopher has been a Trustee of The Handwriting of Italian Humanists. In October 2005, he was appointed to the Acceptance in Lieu Panel of the Museums, Libraries and Archives Council.

**Appointed 20 November 2006: appointment expired 31 July 2015**

# Appendix E

## List of independent assessors who attended meetings during 2014/15

<b>William Agnew</b> , Director, W. Agnew & Company Ltd.	Case 5, 9
<b>Peter Barber</b> , Head of Cartographic and Topographic Materials, British Library	Case 2
<b>Martin Barnes</b> , Senior Curator, Photographs, Word & Image Department, Victoria & Albert Museum	Case 13
<b>Charles Beddington</b> , Director, Charles Beddington Ltd.	Case 4
<b>Hugh Bett</b> , Head of Cartographic and Topographic Materials, British Library	Case 17
<b>Professor Jeremy Black</b> , Professor of History, University of Exeter	Case 11
<b>Dr Xavier Bray</b> , Chief Curator, Dulwich Picture Gallery	Case 1
<b>Alison Britton OBE</b> , Ceramic Artist and Lecturer, Royal College of Art	Case 16
<b>Professor Christopher Brown</b> , Former Director, Ashmolean Museum	Case 6, 7
<b>Dr Lucilla Burn</b> , Keeper, Department of Antiquities, Fitzwilliam Museum	Case 8
<b>Professor Joanna Cannon</b> , Professor in History of Art, Courtauld Institute of Art	Case 4
<b>Zelda Cheatle</b> , Photography Consultant	Case 13
<b>Professor Stephen Conway</b> , Head of Department of History, UCL	Case 11
<b>Howard Coutts</b> , Keeper of Ceramics, The Bowes Museum	Case 15
<b>Paul Crane</b> , Brian Haughton Gallery	Case 15
<b>Dr Lucy Davis</b> , Curator Old Master Paintings, The Wallace Collection	Case 6
<b>Katharine Eustace</b> , Independent Curator, Editor of <i>Sculpture Journal</i>	Case 9
<b>Dr Andrea Fredericksen</b> , Curator, UCL Art Museum and Flaxman Gallery	Case 5
<b>Peter Gillman</b> , Journalist and Historian	Case 2
<b>Dr Dillian Gordon</b> , Independent Consultant, former Curator of Early Italian Paintings, National Gallery	Case 4
<b>Matthew Hall</b> , Director, Erskine, Hall and Coe	Case 16
<b>Robert Harding</b> , Director, Maggs Bros. Ltd	Case 10, 11
<b>Jonathan Harris</b> , Consultant	Case 15
<b>Sarah Hornsby</b> , Hornsby Nugee: Consultants – Antiquities and Ancient Art	Case 8, 14
<b>Dr. Timothy Hunter</b> , Independent Art Consultant	Case 12
<b>Stephen Jackson</b> , Senior Curator, Furniture and Woodwork, National Museums Scotland	Case 3
<b>Dr Martin Kauffmann</b> , Curator of Medieval Manuscripts, Bodleian Libraries	Case 10
<b>John Kenworthy-Browne</b> , Independent Art Historian and Author	Case 9
<b>Alastair Laing</b> , Independent Consultant, former Curator of Pictures and Sculpture, National Trust	Case 1, 5
<b>Dr Julia Lenaghan</b> , Mica and Ahmet Ertegun Aphrodisias Senior Researcher, Ashmolean Museum	Case 8
<b>Martin Levy</b> , Director, H Blairman & Sons Ltd.	Case 3
<b>Giles Mandelbrote</b> , Librarian and Archivist, Lambeth Palace Library	Case 10
<b>Dr Liam McNamara</b> , Assistant Keeper for Ancient Egypt and Sudan, Ashmolean Museum	Case 14
<b>Professor Simon Olding</b> , Director, Crafts Study Centre, University of the Creative Arts	Case 16

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<b>Dr Campbell Price</b> , Curator of Egypt and the Sudan, Manchester Museum	Case 14
<b>Dr Geoff Quilley</b> , Senior Lecturer in Art History, University of Sussex	Case 17
<b>Christopher Rowell</b> , Furniture Curator, National Trust	Case 3
<b>David Scrase</b> , Honorary Keeper of Italian Drawings, Fitzwilliam Museum	Case 12
<b>Anthony Speelman</b> , Edward Speelman Ltd.	Case 1, 6, 7
<b>Lindsey Stewart</b> , Consultant Specialist, Photograph Department, Bernard Quaritch	Case 13
<b>Dr Francesca Vanke</b> , Keeper of Art and Curator of Decorative Art, Norwich Castle Museum & Art Gallery	Case 17
<b>Lucy Whitaker</b> , Senior Curator of Paintings, The Royal Collection	Case 7
<b>Dr Jon Whiteley</b> , Curator, Ashmolean Museum	Case 12

# Appendix F

## Value of items placed under deferral (2005/06 to 2014/15) i) for which permanent licences were issued and ii) where items were purchased by UK institutions or individuals

(1) Year	(2) Value of items where a decision on the licence application was deferred (£m)	(3) Value (at deferral) of cases in (2) where items were licensed for permanent export (£m)	(4) Value of items in (3) as % of (2)	(5) Value of items in (2) that were not licensed for export (£m)	(6) Value (at deferral) of cases in (2) where items were purchased by UK institutions or individuals <sup>1</sup> (£m)	(7) Value of items in (6) as % of (2)
2005/06	15.6	7.3	47	8.3	8.3	53
2006/07	24.5	10.7 <sup>2</sup>	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 <sup>3</sup>	10.1	14
2010/11	71.7	65.8	92	5.9 <sup>4</sup>	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
2014/15	48.2	25.7 <sup>5</sup>	54	22.5 <sup>6</sup>	6.7	14
<b>Totals</b>	<b>532.6</b>	<b>412.5</b>	<b>77</b>	<b>118.1</b>	<b>93.7</b>	<b>18</b>

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

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

<sup>3</sup> Includes value of one case (£554,937.50) where the application was withdrawn during the deferral period.

<sup>4</sup> Includes value of one case (£389,600) where a matching offer was refused and the Secretary of State therefore refused an export licence and value of two cases (£1,645,868) where the application was withdrawn during the deferral period.

<sup>5</sup> Excludes value of one case (£15,762,500) still under deferral at the time of the Statistical Release was issued but later licensed for export.

<sup>6</sup> Includes value of one case (£15,762,500) still under deferral at the time of the Statistical Release was issued but later licensed for export.

# 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	16	2,118,694
Books, maps etc	British Library, Keeper of Printed Books, Head of Map Collections	36	58,294,575
Books (natural history)	Royal Botanic Gardens, Kew, Head of Library and Archives	3	502,600
Clocks and watches	British Museum, Keeper of Clocks and Watches	12	2,130,000
Coins and medals	British Museum, Keeper of Coins and Medals	308	2,805,193
Drawings: architectural, engineering and scientific	Victoria & Albert Museum, Keeper of Word & Image Department	3	675,000
Drawings, prints, watercolours	British Museum, Keeper of Prints and Drawings	165	41,329,077
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	13	3,952,685
Ethnography and Western Asiatic antiquities	British Museum, Keeper of Ethnography	6	1,400,000
Furniture and woodwork	Victoria & Albert Museum, Keeper of Furniture, Textiles & Fashion Department	78	22,990,452
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	12	11,997,481
Indian furniture	Victoria & Albert Museum, Senior Curator of Asian Department, South & South East Asian Collection	1	82,200
Japanese antiquities	British Museum, Department of Asia	10	1,094,952
Manuscripts, documents and archives	British Library, Curator, Department of Manuscripts	1,187	145,421,003
Maritime material, including paintings	National Maritime Museum, Director of Collections	15	77,054
Middle East antiquities	British Museum, Keeper of Middle East Antiquities	13	1,693,399
Musical instruments	Royal College of Music	27	7,242,369
Oriental antiquities (except Japanese)	British Museum, Department of Asia	76	15,744,321
Oriental furniture, porcelain and works of art	Victoria & Albert Museum, Senior Curator of Asian Department, Chinese Collection	44	7,950,184
Paintings, British, modern	Tate Gallery	226	525,193,955
Paintings, foreign	National Gallery, Director	164	925,213,592



<b>Category</b>	<b>Advising authority</b>	<b>No of items</b>	<b>Total value (£)</b>
Paintings, miniature	Victoria & Albert Museum, Senior Curator of Painting Section, Word & Image Department	6	4,451,846
Paintings, portraits of British persons	National Portrait Gallery, Director	66	53,647,754
Photographs	National Media Museum, Head	105	8,698,106
Pottery	Victoria & Albert Museum, Head of Ceramics & Glass Department	30	7,464,033
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)	28,119	3,525,028
Scientific and mechanical material	Science Museum, Head of Collections	3	3,162,500
Sculpture	Victoria & Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department Tate Gallery (20th Century Sculpture)	57	22,840,499
Silver and weapons, Scottish	National Museum of Scotland, Director	0	0
Silver, metalwork and jewellery	Victoria & Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department	218	50,132,411
Tapestries, carpets (and textiles)	Victoria & Albert Museum, Senior Curator of Furniture, Textiles & Fashion Department	21	3,233,630
Toys	V&A Museum of Childhood, Head	0	0
Transport	British Motor Museum	43	48,477,873
Wallpaper	Victoria & Albert Museum, Senior Curator of Prints Section, Word & Image Department	0	0
Zoology (stuffed specimens)	Natural History Museum, Director of Science	0	0
<b>Totals</b>		<b>31,083</b>	<b>1,983,542,466</b>

# 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, 2005/06 to 2014/15

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 (£)
2005/06	8	7,285,012	9	8,278,510	4	855,200	5	308,330	3	32,330
2006/07	5 <sup>1</sup>	10,709,778	12	7,009,075	4	1,944,032	3	700,275	2	40,000
2007/08	7	12,770,031	8	1,431,256	6	471,986	6	248,750	2	50,000
2008/09	7	14,186,010	9	1,521,684	2	378,000	4	329,292	3	118,500
2009/10	6	60,813,750	6	10,119,674	2	186,000	3	245,100	1	17,000
2010/11	7	65,837,016	4	3,752,918	3	2,410,000	4	470,000	1	20,000
2011/12	3	44,830,190	4	9,252,560	2	6,025,000	2	1,100,000	0	0
2012/13	12 <sup>2</sup>	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
2014/15	6 <sup>3</sup>	25,658,700 <sup>3</sup>	5	6,694,400	3	508,000	3	175,662	0	0

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

<sup>2</sup> 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.

<sup>3</sup> Excludes one case still under deferral at the time of the Statistical Release was published (Statue of Sekhemka) but was later licensed for export.

### 2014/15 (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
2014–15	<i>Left Wing of a Diptych</i> , by Giovanni da Rimini (Case 4)	National Gallery	5,682,500			
2014–15	<i>The Campbell Sisters Dancing a Waltz</i> , by Lorenzo Bartolini (Case 9)	Victoria & Albert Museum and National Galleries Scotland	523,800	275,000	98,800	
2014–15	English translation of Erasmus's <i>Enchiridion militis Christiani</i> (Case 10)	British Library	242,500	150,000		
2014–15	The Rejlander Album (Case 13)	National Portrait Gallery	82,600		26,862	
2014–15	A William Burges vase from the Summer Smoking Room, Cardiff Castle (Case 15)	National Museum Wales	163,000	83,000	50,000	
<b>Total</b>			<b>6,694,400</b>	<b>508,000</b>	<b>175,662</b>	

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# Appendix I

## 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 Department of Culture, Media & Sport (DCMS), Department for Business, Innovation & Skills, HM Treasury, Foreign & Commonwealth Office, HM Revenue & 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 and National Museum Wales, and the Librarians of the National Libraries of Wales and Scotland;
- iv) the expert advisers to 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 and Valuers; Sotheby's.

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# Appendix J

## Further reading

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

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

Export Control Act 2002 (HMSO)

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

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

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

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

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

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

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

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

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

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

# Appendix K

## Membership of the Working Party on Manuscripts, Documents and Archives during 2014/15

Dr Christopher Wright, Chairman

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, Department of Culture, Media & Sport

Peter Durrant, Former County Archivist, Berkshire Record Office

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

Matthew Haley, Bonhams

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

James Travers, The National Archives

Chloe Bent, Secretary, Working Party on Manuscripts, Documents and Archives/Cultural Property Officer, Acquisitions, Exports, Loans and Collections Unit, Arts Council England

John Wilson, John Wilson Manuscripts Limited/Antiquarian Booksellers Association

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# Appendix L

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Front cover: *The Campbell Sisters Dancing a Waltz*, by Lorenzo Bartolini



# Appendix M

## Open General Export Licence (OGEL)

### Open General Export Licence (Objects of Cultural Interest) dated 12 March 2015 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 2 of the Export of Objects of Cultural Interest (Control) Order 2003<sup>1</sup> ("the 2003 Order"), hereby grants the following Open General Export Licence:

#### Licensed exports

1. Subject to the following provisions of this Licence, the following goods, manufactured or produced more than 50 years before the date of exportation, may be exported from the United Kingdom to any destination except an embargoed destination:
  - (a) any musical instrument temporarily exported for a period of less than six months for use in the course of work by a professional musician;
  - (b) any musical instrument exported following temporary importation for a period of less than six months, having been imported for use in the course of work by a professional musician;
  - (c) any motor vehicle (wherever registered) temporarily exported for a period of less than six months for use for social, domestic or pleasure purposes (including attendance at or participation in a race, rally or non-commercial exhibition);
  - (d) any foreign-registered motor vehicle exported following temporary importation for a period of less than six months, having been imported for use for social, domestic or pleasure purposes (including attendance at or participation in a race, rally or non-commercial exhibition);
  - (e) any photographic positive or negative or any assemblage of such photographs, the value of which is less than £10,000;
  - (f) any firearms manufactured or produced more than 100 years before the date of exportation, and any other arms or armour manufactured or produced more than 50 years before the date of exportation, the value of which is less than £35,000;
  - (g) any firearms manufactured or produced more than 50 years but not more than 100 years before the date of exportation, the value of which is less than £65,000;
  - (h) any painting in an oil or tempera medium (excluding any portrait of a British historical personage, which would fall within sub-paragraph (i) below), the value of which is less than £180,000;
  - (i) any portrait or other article consisting of or including a representation of the likeness of any British historical personage (made otherwise than by photography and excluding a coin), the value of which is less than £10,000;
  - (j) any article of clothing or footwear, or any article manufactured from textiles and textiles in the length or piece (excluding any carpet or tapestry), the value of which is less than £12,000;
  - (k) any article the value of which is less than £65,000 other than one of a description specified in the Schedule hereto;
  - (l) any article for which a EU licence has been issued;
  - (m) any article that is in the United Kingdom following its importation solely for the purpose of transit through the United Kingdom with a view to export;
  - (n) any article that has been imported into the United Kingdom from a country outside the European Union and is not in free circulation within the European Union. Nothing in this sub-paragraph shall permit the exportation of (i) any article which has been imported into the United Kingdom from the Channel Islands or any other jurisdiction which is within the customs territory of the European Union but outside the fiscal territory of the European Union or (ii) any article which has been returned to the United Kingdom following its temporary export under the authority of a temporary export licence;
  - (o) any article that the Secretary of State has approved for return to the claimant following a recommendation to that effect by the Spoliation Advisory Panel.
2. In respect of any musical instrument licensed to be exported under paragraph 1(a) above and any motor vehicle licensed to be exported under paragraph 1(c) above, this Licence is subject to the following conditions:

#### Conditions

2. In respect of any musical instrument licensed to be exported under paragraph 1(a) above and any motor vehicle licensed to be exported under paragraph 1(c) above, this Licence is subject to the following conditions:

<sup>1</sup> S.I. 2003/2759

- (a) that the exporter must return the goods to the United Kingdom within six months of the date of exportation; and
  - (b) that the goods must not be sold when they are not in the United Kingdom and must at all times remain in the possession of the exporter.
3. In respect of an article falling within paragraph 1(l) above and being exported on the basis that an EU licence for temporary export has been issued, the exporter must return the article to the United Kingdom by the date stated for re-importation on the temporary EU licence and must immediately notify the Export Licensing Unit of its return in writing.
  4. In respect of any article falling within paragraph 1(o) above, there must be produced to the proper officer of HM Revenue & Customs/Border Force at the place of export a copy of the Spoliation Advisory Panel's report relating to the article, together with a letter from the claimant confirming that he/she is content for the article to be exported.

#### **Interpretation**

5. Any reference in this Licence to the value of an article shall:
  - (a) where the goods to be exported consist of a matching set or pair of articles, be construed as a reference to the value of the matching set or pair;
  - (b) be construed as the value of the article as required to be declared for Customs purposes.
6. In this Licence;
 

'British historical personage' means any person, living or dead, in respect of whom an entry appears in the Dictionary of National Biography (or any supplement thereto), 'Who's Who' or 'Who was Who';

'tapestry' means a fabric with a non-repetitive pattern woven in during making;

'embargoed destination' means a destination to which an export ban applies by virtue of a prohibition contained in legislation implementing European Union obligations or United Nations sanctions.
7. Unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Export Control Act 2002<sup>2</sup> or in the 2003 Order.

#### **Prohibition not affected by this Licence**

8. Nothing in this Licence shall affect any prohibition or restriction on the export of any goods other than under the 2003 Order.

#### **EU Licence**

9. This Licence does not permit the export of an article that requires an EU licence unless an EU licence is also granted.

#### **Entry into force and revocation**

10. The Open General Export Licence (Objects of Cultural Interest) dated 1 May 2004 is revoked.

#### **An Official of the Department for Culture, Media & Sport, authorised to act on behalf of the Secretary of State for Culture, Media and Sport**

#### **Schedule (see paragraph 1(k))**

Any document or manuscript (in any case not being printed matter);

Any archive of manuscripts and documents in any medium, created and/or accumulated by an individual, family, corporate body or institution, which has survived or been preserved as evidence of their purpose and activities;

Any architectural, scientific or engineering drawing produced by hand;

Any article which has been recovered at any time from the soil of the United Kingdom or from the bed of any lake, river, stream or other area of water therein or from the bed of the sea within the territorial waters of the United Kingdom other than any article which has been buried or concealed for a period of less than 50 years;

Any photographic positive or negative or any assemblage of such photographs;

Any firearms, arms or armour manufactured or produced more than 50 years but less than 100 years before the date of export;

Any article of clothing or footwear, and any article manufactured from textiles and textiles in the length or piece (excluding carpets and tapestries);

Any portrait or other article consisting of or including a representation of the likeness of any British historical personage (made otherwise than by photography and excluding a coin).

<sup>2</sup> 2002 c.28

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## **Explanatory note**

(This note is not part of the Licence)

The provisions of this Licence only apply for the purposes of the Export of Objects of Cultural Interest (Control) Order 2003 (S.I. 2003/2759) (“the 2003 Order”). This Licence permits (in some cases subject to certain conditions) the export from the United Kingdom to any destination (except an embargoed destination) of certain goods which were manufactured or produced more than 50 years before exportation. Exporters should note that this Licence does not remove the need for other consents that may be required for the export of particular cultural goods. In particular, where an export licence is also required by Council Regulation EC 116/2009 (which requires a licence for specified cultural goods exported outside the European Customs Union), exporters will also need an EU licence as well as a licence for the purposes of the 2003 Order. In such cases, this Licence will not be valid unless an EU licence is also held.

This Licence does not affect any other prohibitions or restrictions on the export of certain types of cultural goods. Details of those types of goods can be obtained by contacting the Export Licensing Unit, which issues export licences for objects of cultural interest on behalf of the Secretary of State.



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