

Export of Objects of Cultural Interest

2016–17

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

April 2018



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Department for
Digital, Culture,
Media & Sport

Export of Objects of Cultural Interest

2016–17

1 May 2016 to 30 April 2017

- 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 Digital, Culture,
Media & Sport



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

I am pleased to lay before Parliament the 13th 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 2016 to 30 April 2017. This is the 63rd year that the Government has published the annual report of the Reviewing Committee.

The Committee continues to provide an important but proportionate safety net in ensuring that there is an opportunity, through the export licensing process, to save some of our most important national treasures from permanently leaving the country while sustaining a free market and respecting the rights of owners.

This has been a particularly busy year for the Reviewing Committee, which identified 15 out of the 22 objects referred to it as meeting the Waverley criteria and which were subsequently placed under export-deferral. All 15 works are outstanding in their own way but several are worthy of particular mention.

The Fortress of Königstein from the North by Bernardo Bellotto is a fine example of the artist's immense skill and technique and was completed during one of the most important phases of his career. It is one of the best examples of its kind and there is much we can learn about both the artist and the subject from this painting. Visitors from around the world will now be able to enjoy this remarkable work at The National Gallery.

A Wedgwood First Day's Vase is one of only four vases known to have been made by Josiah Wedgwood on the opening day of his factory in Staffordshire. Stoke-on-Trent City Council and The Friends of The Potteries Museum & Art Gallery raised the necessary £482,500 to buy the vase and prevent it from leaving the UK. The vase had been on loan to the Museum for the last 35 years and it is particularly pleasing to see it remain in its natural home on a permanent basis.

While on the subject of vases, Scotland also has cause to celebrate. National Museums Scotland, with support from the National Heritage Memorial Fund, was able to acquire one of four vases designed for Cardiff Castle by the noted architect and designer William Burges. All four vases are now in the UK and I hope we will see them exhibited together at some point in the future.

I note the Committee Chair's comments regarding a number of policy issues with which I agree. In particular, Sir Hayden Phillips draws attention to the small but significant number of cases, such as Pontormo's *Portrait of a Young Man in a Red Cap* in last year's report, where export licence applications are withdrawn following the receipt of a serious expression of interest in raising funds or when a matching offer is made.

Although the export licensing process has generally been perceived to have worked well over the years, cases such as that of Pontormo's painting have persuaded the Government to take a fresh look at all aspects of the export deferral process to ensure it continues to serve the purpose for which it was originally designed. My department is therefore carrying out an examination of the process to see how it might be strengthened.

I am enormously grateful to Sir Hayden and the members of the Reviewing Committee for the wealth of expertise and time they devote to the system. I would also like to thank staff at Arts Council England for the efficient and smooth running of the process. Finally, thanks must also go to the expert advisers and the many organisations and individuals without whose help many of these objects would not be saved. It is their support, together with the tireless work of museum staff, volunteers and supporters throughout the UK, which makes all this possible and ensures that our public collections are enriched as a result.

Matt Hancock MP

Secretary of State for Digital, Culture,
Media & Sport

Left Wedgwood 'Black Basaltes' First Day's Vase

Operation of the Control

The following figures cover the period of this report (1 May 2016 to 30 April 2017).

	1 May 2015 – 30 April 2016	1 May 2016 – 30 April 2017
(a) Number of applications for individual export licences ¹	10,585	10,941
(b) Number of above applications which were for manuscripts, documents or archives	1,798	1,792
(c) Number of items licensed after reference to expert advisers on the question of national importance	34,999	27,398
(d) Total value of items in (c)	£1,480,594,585	£1,712,154,287
(e) Number of Open Individual Export Licences (OIEL) in operation having been issued in previous years to regular exporters for the export of (i) manuscripts, documents, archives and photographic positives and negatives; (ii) objects imported into the UK in the past 50 years; (iii) UK origin coins; (iv) the temporary export of a Rolls-Royce; (v) the temporary export of objects in soil samples from archaeological sites in Northern Ireland; (vi) the temporary export of objects owned or under the control of national institutions or institutions holding designated collections	67	67 ³
(f) Number of items licensed after the Export Licensing Unit was satisfied of import into the UK within the past 50 years	30,541	22,585
(g) Total value of items in (f)	£8,020,208,014	£11,615,616,080
(h) Number of items in (f) which were manuscripts, documents or archives	1,045	1,194
(i) Total value of items in (h)	£200,038,074	£138,836,939
(j) Number of items given an EU licence without reference to the question of national importance because they were either: valued at below the appropriate UK monetary limit ² ; owned by a museum or gallery that had an OIEL; manuscripts valued at £1,500 or less or coins valued at £500 or less and the exporter held a valid OIEL; musical instruments exported for less than six months for use in the course of work by a professional musician; a motor vehicle exported for less than six months for social, domestic or pleasure purposes; a foreign registered motor vehicle exported following importation for less than three months for pleasure purposes; imported into the UK in the last 50 years and were being exported on a temporary basis	6,191	3,164
(k) Total value of items in (j)	£2,365,008,475	£2,245,429,545

1 One application may cover several items.

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

3 On 1 January 2017 64 OIELs were renewed or issued for three years.



Department for
Digital, Culture,
Media & Sport

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

1 May 2016 to 30 April 2017

To:
The Rt Hon Matt Hancock MP,
Secretary of State for Digital, Culture, Media & Sport

63rd Report of
the Reviewing Committee



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

Members of the Committee 2016–17

Sir Hayden Phillips (Chair)

Mr Peter Barber

Mr Richard Calvocoressi (reappointed 13 November 2016)

Ms Philippa Glanville

Mr Lowell Libson

Mr Christopher Rowell

Ms Leslie Webster (reappointed 18 February 2017)

Mr Aidan Weston-Lewis

Secretary

Mr Peter Rowlands

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Secretary

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

Arts Council England

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

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Reviewing Committee Report for 2016–17

1 May 2016 to 30 April 2017

Introduction

During the last year the Reviewing Committee met on 10 occasions and considered an extraordinary variety of works of art and cultural objects. In this report we detail the outcome of 22 cases where the Secretary of State's expert adviser had objected to the issuing of an export licence on the grounds that the items under consideration met one or more of the three criteria established in 1952 by Viscount Waverley and were, therefore, 'national treasures'.

At the Committee's recommendation, the Secretary of State put in place temporary export deferrals for a wide array of 'national treasures' including: an outstanding view painting by Bernardo Bellotto of *The Fortress of Königstein from the North*; an English tapestry made in the Indian Manner by 17th-century London weaver Michael Mazarind, and a Wedgwood First Day's Vase thrown by Josiah Wedgwood and Thomas Bentley to commemorate the establishment of the Etruria factory. One of only four vases known to have been made by Josiah Wedgwood on the opening day of his world-famous factory, this elegant object is evocative of the technical and commercial revolution of the 18th Century.

Following on from TE Lawrence's robes and dagger last year, the Committee considered seminal items closely linked to prestigious British figures, including a sapphire and diamond coronet designed by Prince Albert for Queen Victoria in 1842 and worn by the monarch to the State opening of Parliament in 1866. Export deferrals were put in place for two unusual and beautiful Mughal items brought to the UK by Robert Clive in the late 18th Century and illustrative of Britain's complex relationship with the Indian subcontinent.

The Secretary of State and permanent Committee members continue to be indebted to a host of specialists, academics and members of the art trade, who so generously give their time, adding to the Committee's depth of expertise and without whom the system could not function as well as it does.

Fifteen works with a value of £66,687,500 were temporarily deferred from export while efforts were made to retain them. We are particularly pleased to note that National Museums Scotland, with the generous assistance of the National Heritage Memorial Fund, was successful in acquiring the second Burges vase to have come before the Committee. The vase is the fourth in a garniture of four vases designed for Cardiff Castle by the noted architect and designer William Burges. In 2014–15 we were able to report that National Museum Wales had acquired the third vase. All four vases have been retained in the UK and are on public display, allowing the possibility of a future exhibition realising Burges's vision for the ensemble.

Provenance information

As noted last year, we would like to emphasise the importance of applicants providing full provenance information in order to ensure expeditious processing of export licence applications. Not only is it necessary to establish whether or not the item has been in the UK for over 50 years but provenance information can be a significant factor in deciding whether an item under consideration meets the Waverley criteria.

Potential acquiring institutions often approach funding bodies for financial assistance in their attempts to acquire 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. Failure to provide information could result in a delay in the Committee considering the case. Furthermore, it may lead the Committee to recommend an extension and potentially give grounds for the Secretary of State to consider refusing a licence.

The Chairman will continue to notify applicants that if this information is not forthcoming it can prejudice an institution's chances of successfully concluding a purchase. The Committee considers that overseas purchasers of an object that might satisfy the Waverley criteria should be made aware by their agents that such information is essential.

Waverley criteria and objections

The Committee has noted that a higher than usual number of objects were considered not to meet the Waverley criteria this year. The members of the Committee and the Secretary of State are grateful to the expert advisers for bringing these items to the Committee's attention and we would like to assure expert advisers not to be discouraged in making an objection. It is important for each object to be carefully considered against the Waverley criteria.

The practice of withdrawing licence applications and the refusal of matching offers

The Committee is disappointed to note that, on a few occasions in recent years, export licence applications have been withdrawn following receipt of serious expressions of interest in raising funds, thus depriving UK institutions of the opportunity to acquire and enrich the United Kingdom's public collections. Previously, we reported that The National Gallery's offer to purchase *Portrait of a Young Man in a Red Cap* by Pontormo was rejected by the applicant.

The integrity of our system depends on applicants who agree to accept a matching offer at the hearing of the case following through on that agreement. The Committee understands that individual circumstances may vary and each situation is different and may present specific considerations which affect whether an applicant can, in good faith, agree to accept a matching offer. We ask that applicants give careful consideration before formally declaring at the case hearing that they are prepared to accept a matching offer. The Committee remains of the opinion that such an agreement should not be made lightly.

It is regrettable that public institutions and funding bodies have, on the basis of such undertakings, wasted time, effort and fundraising credibility by raising the necessary funds only to have their offer rejected. As has been previously reported, we consider this practice to run against the grain of the Waverley system and the conventions surrounding it.

While our export system is designed to strike a balance between protecting our cultural heritage and individuals' property rights, the implication of these recent developments for our current procedures will need to be considered carefully.

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 the Department for Digital, Culture, Media & Sport (DCMS) and the Secretariat to the Committee and the Export Licensing Unit at the Arts Council, who administer the system on the Secretary of State's behalf, and without whose efforts the system of export control could not function in the manner in which it does.

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.

There were two reappointments to the Committee during 2016–17. Richard Calvocoressi, whose second four-year term will expire on 12 November 2020, is Director and Senior Curator of the Gagosian Gallery, London, former Director of the Henry Moore Foundation and former Keeper, and then Director, of the Scottish National Gallery of Modern Art (1987–2007). Richard was originally a curator at the Tate Gallery (1979–87), where he was responsible for building up the collections of pre- and post-War European art. Leslie Webster, whose second four-year term will expire on 17 February 2021, is former Keeper of the Department of Prehistory and Europe, and Senior Curator of the early medieval collections at the British Museum. She specialises particularly in the Anglo-Saxon and Viking period, on which she publishes and lectures widely.

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 is in Appendix B. The terms of reference of the Reviewing Committee are in Appendix C.

Operation of the Control

During the period covered by this report (1 May 2016 to 30 April 2017):

- There were 10,941 applications for export licences
- 1,792 of these applications were for the export of manuscripts, documents or archives
- The applications covered a total of 53,147 items
- 27,398 items with a value of £1.71 billion (£1,712,154,287) were issued with export licences after they had been referred to expert advisers
- 67 Open Individual Export Licences (OIEL) were in operation at the beginning this period (with 64 from 1 January 2017): a) nine for the export of manuscripts, documents, archives and photographic positives and negatives; b) four 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
- 22,585 items with a value of £11.62 billion (£11,615,616,080) 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. Of these items with proof of import, 1,194 were manuscripts, documents or archives, with a total value of £138,836,939

- 3,164 items with a value of £2.25 billion (£2,245,429,545) 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, or imported into the UK in the last 50 years and being exported on a temporary basis

Cases referred to the Committee

In 2016–17, 22 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:

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>

Items found to be national treasures

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

- Case 1** William Burges vase from the Summer Smoking Room at Cardiff Castle
- Case 2** Book of Hours in enamelled gold binding
- Case 3** Two ivory statuettes, *Autumn* and *Winter*, by Balthasar Permoser
- Case 4** Sapphire and diamond coronet commissioned for Queen Victoria
- Case 5** *Study of a Kneeling Man* by Titian
- Case 8** English tapestry in the Japan/Indian Manner
- Case 9** *The Christening* by William Hogarth
- Case 10** *The Fortress of Königstein from the North* by Bernardo Bellotto
- Case 12** Wedgwood 'Black Basaltes' First Day's Vase
- Case 13** Mughal sapphire- and ruby-inset huqqa Set
- Case 14** Mughal ruby- and emerald-inset flask
- Case 15** *Virgin and Child with Saint Mary Magdalen and the Infant Saint John the Baptist* by Parmigianino
- Case 17** George III mahogany wheel barometer by John Whitehurst
- Case 18** English gilt bronze, painted and cast iron railings
- Case 19** Meissen figure of 'Pulcinell'

Items found not to be national treasures

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

- Case 6** *Venus with Cupid Stealing Honey* by Lucas Cranach the Elder
- Case 7** *Venice, A View of the Grand Canal looking South from the Palazzo Foscari and Palazzo Moro Lin Towards the Church of Santa Maria della Carità* by Bernardo Bellotto
- Case 11** *A Dutch Girl at Breakfast* by Jean-Étienne Liotard
- Case 16** *Part of the Refectory of Walsingham Abbey* by John Sell Cotman
- Case 20** Terre de faïence vase, *Tripode*, Picasso
- Case 21** Terre de faïence vase, *Oiseaux et Poissons*, Picasso
- Case 22** Glasgow School clock designed by Margaret and Frances Macdonald

National treasures referred to the Secretary of State

Fifteen 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 15 deferred items was £67 million (£66,687,500).

Items where the licence application was withdrawn following a serious expression of interest

Following submission to the Secretary of State, three cases were withdrawn:

- Case 4** Sapphire and diamond coronet commissioned for Queen Victoria
- Case 13** Mughal sapphire- and ruby-inset huqqa set
- Case 14** Mughal ruby- and emerald-inset flask

Deferred items that were acquired

Of the 15 deferred items, the following four were acquired by institutions or individuals in the United Kingdom:

- Case 1** William Burges vase from the Summer Smoking Room at Cardiff Castle
- Case 8** English tapestry in the Japan/Indian Manner
- Case 10** *The Fortress of Königstein from the North* by Bernardo Bellotto
- Case 12** Wedgwood 'Black Basaltes' First Day's Vase

These had a total value of £12 million (£11,836,500), which represents 18 per cent of the total value of objects that were deferred.

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 (or can be) issued for the eight items listed below:

- Case 2** Book of Hours in enamelled gold binding
- Case 3** Two ivory statuettes, *Autumn* and *Winter*, by Balthasar Permoser
- Case 5** *Study of a Kneeling Man* by Titian
- Case 9** *The Christening* by William Hogarth
- Case 15** *Virgin and Child with Saint Mary Magdalen and the Infant Saint John the Baptist* by Parmigianino
- Case 17** George III mahogany wheel barometer by John Whitehurst
- Case 18** English gilt bronze, painted and cast iron railings
- Case 19** Meissen figure of 'Pulcinell'

These have a collective value of £41 million (£41,363,000), which represents 62 per cent of the total value of objects placed under deferral and 53 per cent of the total number.

Cases from previous years

At the time of writing our 2015–16 annual report, there were two unresolved deferrals:

- Case 10 2015–16** *Portrait of a Young Man in a Red Cap* by Pontormo

Before the end of the second deferral period The National Gallery made a matching offer of £30,618,987 to the owner which the owner rejected. The Secretary of State therefore decided to refuse an export licence. This is in accordance with the published guidelines to exporters.

- Case 18 2015–16** Scottish Seal Matrix Pair (formerly known as Medieval King Robert the Bruce of Scotland and Dunfermline Abbey Cokete Seal Matrix Pair)

In 2015–16 we noted that the export deferral process for the seal matrices was suspended to allow new information to be considered. In January 2017, the Committee reconsidered the case. The seal matrix pair was found to meet the third Waverley criterion for their outstanding significance to the study of sigillography and Scottish antiquarianism. The Committee recommended the sum of £151,250 as a fair matching price. The Committee agreed to recommend to the Secretary of State that the decision on the export licence should be deferred for an initial period of three months. If, within that period, Arts Council England received notification of a serious intention to raise funds with a view to making an offer to purchase the seal matrix pair, the Committee recommended that there should be a further deferral period of three months. At the end of the initial deferral period, no offer to purchase the seal matrices had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Further information can be found on the Arts Council website. The case will be reported in full in next year's annual report.

Individual export cases

Right Detail from *Virgin and Child with Saint Mary Magdalen and the Infant Saint John the Baptist* by Parmigianino





Case 1 William Burges vase from the Summer Smoking Room at Cardiff Castle

This flower vase in glazed stoneware with painted and gilded decoration was designed by William Burges (1827–81) for Cardiff Castle in Wales, and probably made in Shropshire, possibly decorated in London. Dated 1874, it is 36cm high, with a diameter of 21.6cm.

The applicant had applied to export the vase to the USA. The value shown on the export licence application was £225,000, which represented the agreed sale price subject to the granting of an export licence.

The Senior Curator and Head of Ceramics & Glass, Department of Sculpture, Metalwork, Ceramics and Glass, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the vase under the first and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life and it was of outstanding significance for the study of William Burges's great range and skill as a designer and the eclecticism that characterised his style.

The expert adviser stated that as one of a set of four, the vase was created to form an integral part of the interior decoration of Cardiff Castle, one of the pre-eminent architectural and decorative commissions

of the 19th Century in Britain 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.

This vase was one 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 the Castle. On completing the main interiors of the Castle, Burges inscribed Lord Bute's name and date onto wood or marble. For the Summer Smoking Room, 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.

The shape of the vase was very closely related to European, Middle Eastern and Chinese examples of multi-necked vases. The bright polychrome and gilded decoration drew on European maiolica,

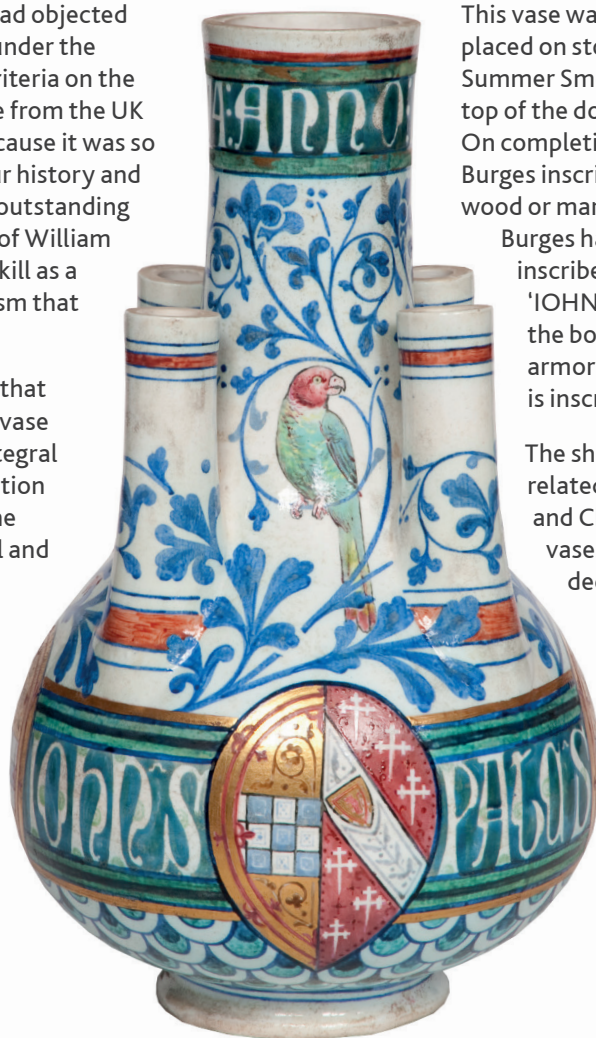


Plate 1a William Burges vase from the Summer Smoking Room at Cardiff Castle (front)

Turkish fritware and medieval manuscripts. The blue, green, gold and ochre colours reflected the Summer Smoking Room interior, and the love birds adorning this vase were also depicted throughout, including on the hood of the chimneypiece, possibly in celebration of Bute's 10 years of marriage. The suite of four vases represented extremely rare pieces by Burges in being wholly of ceramic materials. The semi-stoneware body had been hand moulded and modelled, fired and decorated with coloured pigments fired in the glaze, then gilded over the glaze.

The expert adviser said that it would be highly desirable for the complete set of four vases to remain in Britain in the public domain. The vases were essential for a proper understanding of Burges's vision for the Summer Smoking Room and his use of objects alongside sculptural and painted decoration to define the architectural space. Furthermore, they were also important in the context of ceramics in the Gothic Revival style, as items of such quality and significance associated with Wales were exceptionally rare.

Two of the four vases were formerly in the Handley-Read collection and were presently in the Victoria and Albert Museum, London, and The Higgins Bedford. The third vase was purchased by National Museum Wales in December 2015 following a temporary export bar and was reported as case 15 in our 2014–15 annual report.



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

We heard this case in May 2016 when the vase was shown to us. We found that it met the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and 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 characterised 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 £225,000 (plus VAT of £45,000). 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 vase, the deferral period should be extended by a further five months.

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

Plate 1b William Burges vase from the Summer Smoking Room at Cardiff Castle (reverse)



Plate 2a Book of Hours in enamelled gold binding (exterior)

Case 2 Book of Hours in enamelled gold binding

A richly decorated book with original jewelled metalwork binding, 85mm by 65mm, made of enamelled gold set with cornelian intaglios and cameos, and framed with rubies, turquoises and a tourmaline. Inside is an illuminated parchment Book of Hours, painted with 20 devotional images accompanying the prayers to be said at different hours of the day. The book is dated 1532 and was probably made in Paris.

The applicant had applied to export the Book of Hours to France. The value shown on the export licence application was £8,000,000, which represented an agreed sale price subject to the granting of an export licence.

The Head of Western Heritage Collections, British Library, acting as expert adviser, had objected to the export of the Book of Hours under the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of art history, the history of the book, painting and jewellery design in 16th-century France.

The expert adviser stated that the book, with its original metal cover studded with jewels and precious stones, was an extraordinary survival, unique in 16th-century art. Jewelled books from any period are extremely rare, as their precious materials were vulnerable to removal and reuse and taken together with the high-quality painting inside the book – which may have been designed in tandem with the binding – it was a masterful work of outstanding artistic significance.

The manuscript bears an important witness of the splendours of the Renaissance French court and the continued importance of personal piety and devotion represented in handmade books generations after the advent of printing. Moreover, because of the presence of an artist who may have primarily been a panel painter, this largely unexamined manuscript had the potential to rewrite the history of the 1520s Hours atelier, an important group of book artists who collaborated on high-quality illuminated manuscripts mainly for royal and aristocratic patrons, and revised our understanding of artistic practice in 16th-century France.



The applicant did not disagree that the Book of Hours met the second Waverley criterion.

We heard this case in May 2016 when the Book of Hours was shown to us. We found that it met the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of the book, of the applied arts and of iconology at the Renaissance court of François I of France. 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 £8,000,000. 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 Book of Hours, the deferral period should be extended by a further six months.

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

Case 3 Two ivory statuettes, *Autumn* and *Winter*, by Balthasar Permoser

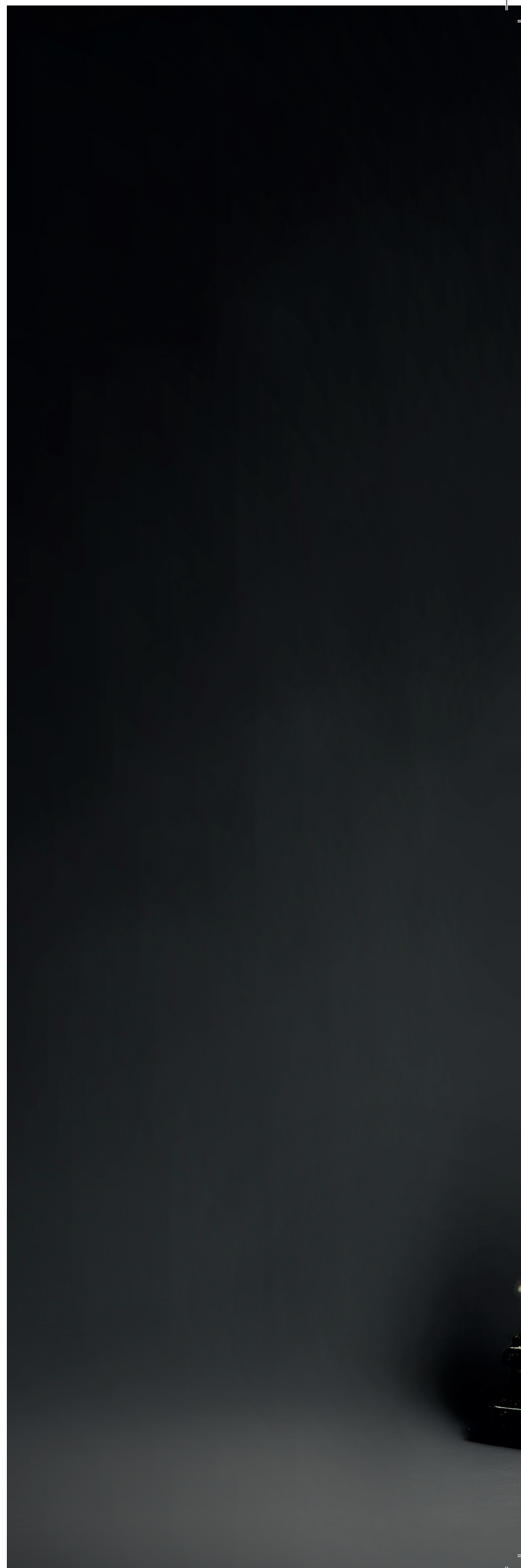
Autumn, 24cm by 9cm by 5cm, and *Winter*, 22cm by 9.5cm by 5cm, are personified allegorical depictions of the classical gods Bacchus and Vulcan from a set of four Seasons. The artist's signature 'BAT:P:INV' (monogram of BALThAsAR. PERMOsER.IN.V.F) is on the back, and they date from circa 1695.

The applicant had applied to export the statuettes to the Herzog Anton Ulrich Museum in Braunschweig, Germany, which had agreed to buy them for £1,800,000, the value shown on the export licence application, subject to the granting of an export licence.

The Senior Curator of Sculpture, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the statuettes under the second and third Waverley criteria on the grounds that their departure from the UK would be a misfortune because they were of outstanding aesthetic importance and of outstanding significance for the study of Permoser and his working methods.

The expert adviser stated that the remarkable virtuoso ivory carving of the two figures illustrated Permoser's genius as a sculptor at his best and these two pieces were some of the finest small-scale sculptures in Europe from the Baroque era. They belonged with their pendant seasons, *Spring* and *Summer* (at Braunschweig in the Herzog Anton Ulrich Museum). The four together presented a harmonious group and were likely to have been made in the same year, 1695.

Plate 3 Two ivory statuettes, *Autumn* and *Winter*, by Balthasar Permoser





All four statuettes were first recorded in the possession of August Wilhelm, Duke of Braunschweig-Wolfenbüttel (1662–1731), on 9 October 1722 when they were taken to Salzdahlum Castle at Braunschweig. They were probably acquired by his father Anton Ulrich, Duke of Braunschweig-Wolfenbüttel (1633–1714), almost certainly via his youngest son, Ludwig Rudolf (1671–1735), who visited Dresden in 1695. Permoser moved to Dresden in 1690 to work at the court of the Elector of Saxony and it was there that the statuettes were made in 1695. They may have been intended as diplomatic gifts from the Elector of Saxony to the Duke of Braunschweig-Wolfenbüttel via his son. They were documented in the ducal collections in Braunschweig until the early 19th Century, when a war resulted in their separation.

Permoser was one of the greatest sculptors of the German Baroque and was a master of small-scale ivory carving as well as of monumental pieces in stone. Born in Kammer on the borders of Prussia in 1651, he trained initially in Salzburg, went to Vienna in 1671 (where he probably studied ivory carving) and in around 1677 entered the service of the Medici Grand Duke in Florence, working as an assistant of Giovanni Battista Foggini (1652–1725). He died in 1732.

Only one other work was attributed to Permoser in the UK, the ivory *Entombment* at the Victoria and Albert Museum, which differed radically from the two freestanding small-scale ivory figures in both form and subject. Their retention would enable students of his work to gain a far better understanding of his skills and achievements.

The applicant declined to comment on the Waverley status of the statuettes.

We heard this case in June 2016 when the statuettes were shown to us. We found that they met the second and third Waverley criteria on the grounds that their departure from the UK would be a misfortune because they were of outstanding aesthetic importance and they were of outstanding significance for the study of international influences in European sculpture (especially sculpture made in Britain – Permoser having been master of Louis-François Roubiliac).



We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £1,800,000 (plus VAT of £360,000). 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 statuettes, the deferral period should be extended by a further three months.

When considering our recommendation, the then Minister for the Arts took into account arguments put forward by the applicant, the Herzog Anton Ulrich Museum in Braunschweig and the cultural office of the state of Lower Saxony, that the statuettes should be allowed to be reunited with their pendants from which they had been separated by a war in the early 19th Century. In recognition of those arguments, the Minister decided to set the initial period of deferral at one month, followed by a further three months, should a potential purchaser show a serious intention to raise funds with a view to making an offer to purchase the statuettes.

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

Plate 3 (detail) Two ivory statuettes, *Autumn* and *Winter*, by Balthasar Permoser

Case 4 Sapphire and diamond coronet commissioned for Queen Victoria

This coronet or tiara, terminating in two gold loops, and mounted with 11 step-cut sapphires set in gold and with diamonds set in silver, was made in 1842 and is 3.8cm high and 11.5cm in diameter.

The applicant had applied to export the coronet to Singapore. The value shown on the export licence application was £5,000,000, which represented an agreed sale price subject to the granting of an export licence.

The Senior Curator, Sculpture, Metalwork, Ceramics and Glass Department, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the coronet under the first and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life and it was of outstanding significance for the study of the young Queen Victoria.

The expert adviser had provided a written submission stating that the coronet had a three-fold significance: its role in the portraits by Winterhalter, Thorburn and Graves; its selection by Queen Victoria for the 1866 Opening of Parliament; and its importance as a jewel from the earlier part of Queen Victoria's reign.

The coronet made a major contribution to one of the most beautiful official portraits of the young Queen Victoria. Painted in 1842, the year she paid for the coronet, the portrait was the earliest by Winterhalter of the Queen. Numerous replicas and copies of the portrait, in its two variants, were made and served as personal and official gifts. The design of the coronet, which owed much to the Saxon Rautenkranz, had been associated with Prince Albert. The use of the coronet in the portrait was a brilliant device, an affirmation of Victoria's authority as sovereign, which did not detract from her charm and beauty as a young woman. The coronet is one of the significant jewels of her reign, part of the story of the young Victoria, who delighted in the coloured gemstones which, after Albert's death, she almost entirely forsook. In 1866 the coronet was the royal symbol she chose to wear in place of a crown at the first Opening of Parliament that she attended as a widow. The sapphire and diamond coronet is a rare and historic jewel intimately linked to the life of Queen Victoria and to the image which she projected in Britain, Europe, the Empire and beyond.

The applicant declined to comment on the Waverley status of the coronet.

Plate 4a Sapphire and diamond coronet commissioned for Queen Victoria (side view)





We heard this case in January 2016 when the coronet was shown to us. We found that it met the first and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life and it was of outstanding significance for the study of the image of Queen Victoria as depicted in Winterhalter's earliest portrait of her. We recommended that the decision on the export licence application should be deferred for an initial period of four months to allow an offer to purchase to be made at the fair matching price of £5,000,000 (plus VAT of £1,000,000). 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 coronet, the deferral period should be extended by a further six months.

During the initial deferral period, we were informed of an offer from a private source to purchase the coronet at the fair matching price with a guarantee of reasonable public access. A decision on the export licence application was deferred for a further six months. Before the end of the second deferral period, the applicant withdrew their application. The applicant was informed that, in accordance with normal policy, any subsequent re-application would normally be treated as if the Secretary of State had refused the licence.

We subsequently learned that the coronet was acquired by the Victoria and Albert Museum, purchased through the generosity of William and Judith, Douglas and James Bollinger as a gift to the Nation and Commonwealth.

Plate 4b Sapphire and diamond coronet commissioned for Queen Victoria (front view)

Case 5 Study of a Kneeling Man by Titian

This black-and-white chalk drawing on discoloured blue paper is by Tiziano Vecellio, called Titian (1485/90–1576), and measures 25.6cm by 18.2cm.

The applicant had applied to export the drawing to the USA. The value shown on the export licence application was £4,790,500, which represented the price the owner had paid for the drawing. This figure also included US sales tax of £390,500 (this would be recoverable by the owner and therefore not payable in the event of a UK sale).

The Keeper of Prints and Drawings at The British Museum, assisted by the Curator of Italian and French Prints and Drawings, acting as expert adviser, had objected to the export of the drawing under the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of Titian's draughtsmanship and the broader story of the stylistic development within the history of Italian art.

The expert adviser had provided a written submission stating that the drawing was an important and imposing example of Titian's draughtsmanship at the very height of his fame and artistic maturity. It was one of only 39 drawings accepted as autograph works by the artist. Of those 39, nine were in British collections, namely the two private collections at Chatsworth and Harewood, three university collections at the Ashmolean, Fitzwilliam and Christ Church, and one national collection at The British Museum. Of the nine drawings in British collections, four were in black chalk on blue paper: *Two Lovers Embracing* (Fitzwilliam), *A Falling Horseman* (Ashmolean), *St Peter* (The British Museum) and the present drawing.



There was scholarly consensus that *Study of a Kneeling Man* was a preparatory drawing for the first version of Titian's *Pentecost* commissioned for the church of Santo Spirito in Isola in 1529. Titian had initially made little progress with the commission and in 1541 the monks were forced to remind him of his obligation. The *Pentecost* was, however, not a success and paint was already peeling from the painting by 1543. When the monks complained, it appears that Titian removed the unsuccessful damaged first version and painted another from scratch. It was this second version which was moved from Santo Spirito to the Salute in the 17th Century, where it remains to this day. The first version of the *Pentecost* is thought lost.

Titian's painterly use of black chalk on blue paper was adopted by artists of the next generation, Tintoretto and Veronese foremost among them, and became one of the most distinctive aspects of Venetian draughtsmanship. In its emphasis on the modulation of light and shade, rather than the crisp delineation of a figure, it also embodied the difference in artistic approaches between the painters of the Veneto and, in particular, their Florentine and Roman contemporaries. As such, the drawing was not only valuable as a powerful and much-admired drawing by Titian, but also as part of the broader story of stylistic development within the history of Italian art.

The applicant disagreed that the drawing met the Waverley criteria, stating in a written submission that the work could not be considered a major work or of outstanding significance and it lacked the historical importance that came with a direct link to the artist's foremost painted commissions. A connection with the *Salute Pentecost* was generally accepted, but it did not correspond directly to any figure in the painting. It was also not in perfect condition, with some surface rubbing in the chalk, and some disturbing stains.

The UK possessed the most significant number of Titian drawings outside Italy. Furthermore, the full range of Titian's known graphic oeuvre was well represented in British collections. Lastly, the drawing had a lengthy British provenance. It was possibly part of the collection of Nicholas Lanier (1588–1666) and was later owned by the sculptor

Thomas Banks (1735–1805) and the painter Sir Edward Poynter (1836–1919) at whose sale it was acquired by Viscount Lascelles. It was, however, never considered a very significant work in these collections and had not appeared in any of the major Titian exhibitions of the last half century. It was a good but not exceptional drawing by a major artist in only satisfactory condition and clearly inferior to several drawings by Titian in British public collections.

We heard this case in July 2016 when the drawing was shown to us. We found that it met the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of the working practice of Titian, one of the greatest artists of 16th-century Venice. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £4,400,000 (plus VAT of £81,400). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the drawing, the deferral period should be extended by a further four months.

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

Case 6 *Venus with Cupid Stealing Honey* by Lucas Cranach the Elder

This painting is oil on panel, 51.1cm by 36.2cm, signed and dated 1537 (upper left, on the tree). Directly below the date (in the same yellow paint), can be found the insignia of Lucas Cranach the Elder (1472–1553): a serpent with elevated wings.

The applicant had applied to export the painting to Belgium. The value shown on the export licence application was £3,408,900, which represented the price the owner had paid for the painting.

The Director of The National Gallery, assisted by the Deputy Director and Curator of Early Netherlandish, German, and British Paintings, acting as expert adviser, had objected to the export of the painting under the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of Northern Renaissance art and its collecting history in 19th- and 20th-century Britain.

The expert adviser had provided a written submission stating that in their view the painting under consideration met all three of the Waverley criteria. Overall it was of exceptional importance

as a signed and dated work by an artist of European significance, which was formerly owned by John Rushout, 2nd Baron Northwick, one of the most prominent British collectors of Early Northern paintings, and was of an extremely high quality of execution. The classical mythological subject of the painting, in combination with the Latin text, which was unique among the 27 extant versions of the composition, made the picture an outstanding example of a kind of conversation piece, in which text and image were devised together to enrich the work's meaning, that would have been admired and enjoyed in the humanist circles of the Wittenberg court. In this way, the painting provided a unique insight into the intellectual context in which the artist worked and the learned audience to which he catered. It allowed the study of the meaning, function and use of paintings within the context of courtly humanist imagery, as well as ideas central to the Protestant Reformation.

The applicant declined to comment on the Waverley status of the painting.

We heard this case in July 2016 when the painting was shown to us. We found that the painting did not meet any of the Waverley criteria and recommended that an export licence be issued. An export licence was issued.

Case 7 Venice, A View of the Grand Canal looking South from the Palazzo Foscari and Palazzo Moro Lin Towards the Church of Santa Maria della Carità by Bernardo Bellotto

This view painting by Bernardo Bellotto, called Canaletto (1722–80), is oil on canvas, 59.7cm by 89.5cm, completed probably 1738–39.

The applicant had applied to export the painting to Monaco. The value shown on the export licence application was £2,638,400, which represented the hammer price paid by the owner at auction, plus buyer's premium.

The Director of The National Gallery, assisted by the Curator of Italian and Spanish Paintings 1600–1800 and the Baroque Curatorial Assistant, acting as expert adviser, had objected to the export of the painting under the first Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life.

The expert adviser had provided a written submission stating that the painting under consideration was important in the context of Bellotto's early career in Venice, and that it was intimately linked with one of his earliest and most important patrons, Henry Howard, 4th Earl of Carlisle. Collectively, the Castle Howard Bellottos constituted one of the most important groups of works by the artist that have remained in the same family collection for which they were painted. These four paintings hung together at Castle Howard – in their matching, original carved and gilt wood frames – from the mid-18th Century until 2015.

The painting under consideration formed part of a series of more than 40 Venetian views by different artists that hung at Castle Howard. In the context of British patronage of 18th-century Venetian view painters, the importance of this group of Bellottos was on a par with Canaletto's series of 12 pictures showing sequential views of the Grand Canal, painted for Consul Joseph Smith and acquired with the rest of Smith's collection by George III in 1762; or the 24 views painted by Canaletto in 1732–35 for John Russell, 4th Duke of Bedford (1710–71), still at Woburn Abbey; or even the 20 views painted by Canaletto in the mid-1730s for Charles, 5th Earl of Sunderland and 3rd Duke of Marlborough (1706–58), known as the 'Harvey group'.

The applicant disagreed that the painting met any of the Waverley criteria. They had stated in a written submission that while they appreciated the painting had been at Castle Howard since it was commissioned in the 18th Century, there were comparable examples of significant works by Bellotto on public display in the United Kingdom. These were similar in terms of their date of execution, provenance and aesthetic importance.

We heard this case in July 2016 when the painting was shown to us. We found that the painting did not meet any of the Waverley criteria and recommended that an export licence be issued. An export licence was issued.

Case 8 English tapestry in the Japan/Indian Manner



Woven in silk and wool with the mark of English manufacture and the name M.MAZARIND in its border, the tapestry, measuring 236cm by 387cm, was likely to have been woven before 1700. Parish rate-books note the name Michael Mazarind in a workshop on the south side of Portugal Street (now Piccadilly) between 1696 and 1702.

The applicant had applied to export the tapestry to the USA. The value shown on the export licence application was £67,500, which represented an agreed sale price subject to the granting of an export licence.

The Acting Keeper, Furniture, Textiles and Fashion, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the tapestry under the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of tapestry-weaving in England.

The expert adviser said that the tapestry was woven in silk and wool, and depicted small groups of Oriental figures and buildings arranged on separate islands, which appeared to float on a deep blue background. It was the only surviving tapestry with the workshop mark for Michael Mazarind, and was thus the only physical evidence of his tapestry workshop, which between 1696 and 1702

Plate 6 English tapestry in the Japan/Indian Manner

was located on the south side of Portugal Street in London. It therefore provided a benchmark for further research into his work. The substantial influence of Mazarind's work on 'the Indian Manner' genre, one of the most popular styles of English tapestry, was only now becoming apparent.

While compromised, having been cut and rejoined down the centre, the tapestry's condition was better than many of its contemporaries and good enough to reveal the distinctive style and content that distinguished a series of at least four tapestries, which were likely to have been designed and woven before 1700.

Surviving examples of the Indian Manner genre included examples signed by John Vanderbank (1694–1739, a prominent weaver and supplier to the Royal Household) and examples could be found at Belton House, Weston Park and in the Victoria and Albert Museum. Most surviving Indian Manner tapestries were usually catalogued as woven by Vanderbank or his workshop, or in his style. Former Victoria and Albert Museum Curator Wendy Hefford's research and analysis had established the particular significance of the Mazarind series. The series, of which the current tapestry was a part, was not connected with Vanderbank's two series





but was instead a contemporary competitor on the market. The inter-relationship of the different versions of Indian Manner tapestries was highly complex. From this tapestry, and crucially through its further physical examination and analysis, it would be possible to undertake significant research into Mazarind's workshop.

The applicant disagreed that the tapestry met the Waverley criteria because it had undergone significant alterations and restorations, including rearrangement of the borders, so that it could not be said to be of outstanding aesthetic importance and there were several other examples of Vanderbank tapestries in public collections.

We heard this case in September 2016 when the tapestry was shown to us. We found that it met the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of Mazarind's workshop (as the only example of a tapestry bearing his signature) and for the study of textile production in 17th-century London and the influence of royal patronage. 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 £67,500. 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 tapestry, the deferral period should be extended by a further three months.

At the end of the initial deferral period, the Victoria and Albert Museum, which acted as champion for the tapestry, informed us that it had decided, having exhausted every other possibility of purchase by another public body, that it had an obligation to the national interest to try to raise funds to purchase the tapestry. Although the expression of interest came from the Secretary of State's expert adviser, confirmation was obtained at the time of the objection and the meeting that the institution with which they were connected was not making enquiries with a view to purchasing, or in the process of purchasing the item. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the tapestry had been purchased by the Victoria and Albert Museum.

Plate 6 (detail) English tapestry in the Japan/Indian Manner

Case 9 *The Christening* by William Hogarth

The Christening (or 'Orator Henley Christening a Child'), was completed by William Hogarth (1697–1764) in probably 1728. Oil on canvas, it measures 49.5cm by 62.8cm.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £1,036,000, which represented an agreed sale price subject to the granting of an export licence.

The Lead Curator, Pre-1800 British Art, Tate Britain, acting as expert adviser, had objected to the export of the painting under the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of William Hogarth, as well as for the study of the cultural, literary and historical life of the 18th Century.

The expert adviser provided a written submission stating that the painting was a significant early work by William Hogarth, who was generally considered to be the founding father of the 'British School', and whose satirical view of life both



exemplified and excoriated the national character. Painted circa 1728, it was a 'key document' in the development in his style; *The Christening* marked Hogarth's move from illustration and engraving, and helped to establish his reputation as a painter.

Hogarth was well represented in UK national and regional collections, with broadly comparable work including non-comic conversation pieces *The Gaols Committee of the House of Commons* (National Portrait Gallery) and *The Beggar's Opera* (Birmingham Museums Trust). Later moral subjects were represented by *A Rake's Progress* (Sir John Soane's Museum) and *Marriage A-la-Mode* (The National Gallery, London). However, the most closely comparable works that reflected Hogarth's work at this point in his career were in non-UK museums, including *The Denunciation* (National Gallery of Ireland, Dublin) and *The Sleeping Congregation* (Minneapolis Institute of Arts).

The painting illustrated Hogarth's characteristic style, which combined painterly elegance with satire conveyed through the details of the composition. The painting was visually complex and represented a wealthy but badly run 18th-century household, gathered to witness the christening of a child. Contemporary documentation suggested this painting gained the artist 'much reputation' at the beginning of his career, establishing his reputation as a painter of satirical scenes of contemporary life. The work was included in the two major retrospectives of Hogarth's art (in 1971 and 2007) and had drawn commentary from all of the artist's most important art historical commentators and biographers.

The applicant disagreed that the painting met the Waverley criteria. They stated in a written submission that, although Hogarth was one of the most original, inventive and ambitious British artists of the 18th Century, this particular picture itself was not so closely connected with our history and national life that its departure would be a misfortune.

The painting prefigured some of the themes that the artist was to return to in his later satirical pictorial series, and was a good early example of the artist's early work, but was not of outstanding aesthetic importance in the context of the artist's oeuvre or in the wider context of British art. The applicant suggested that the painting was likely to have been conceived as a companion piece to Hogarth's *The Denunciation*, as both pictures were concerned with similar themes and were reproduced together as a pair of prints by



Joseph Sympson Jr., published in the early 1730s. However, if the two paintings were intended to be viewed as a pendant pair, then the full aesthetic impact of the work had been reduced by their separation. Furthermore, while the picture was certainly of academic interest as an early work in oil by the artist in which he displayed his talent for social observation and commentary, many of Hogarth's most ambitious and best-known satirical works in oil could already be seen in public collections in the United Kingdom.

The condition report prepared for the painting confirms that the work was not in good overall condition, early damage to the grisaille layers having been exacerbated by later cleaning and retouching.

We heard this case in October 2016 when the painting was shown to us. We found that it met the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of 18th-century life and society, as well as

the development of Hogarth as an artist of national 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 £1,223,100 (\$1,500,000 converted into Pound Sterling at the date of the meeting at a rate of \$1 = £0.8154). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further three months.

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

Plate 7 and detail *The Christening* by William Hogarth

Case 10 *The Fortress of Königstein from the North* by Bernardo Bellotto

This work by Bernardo Bellotto, also known as Canaletto (1722–80), is oil on canvas, and measures 132.1cm by 236.2cm.

An export licence application for this painting and its companion, *The Fortress of Königstein from the South*, was considered on 17 July 2015 but subsequently withdrawn (RCEWA case 25, 2015–16).

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £11,000,000, which represented the price the owner had paid for the painting.

The Acting Keeper, Department of Western Art, Ashmolean Museum, acting as expert adviser, had objected to the export of the painting under the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of Bellotto and the representation of European dynastic strength, military might and enlightened rule.

The expert adviser had provided a written submission stating that *The Fortress of Königstein from the North* was a superb painting of great aesthetic merit. It was an unusual view painting by Bellotto, whose artistic achievements and independent vision had only recently been fully recognised. From a low viewpoint, with travellers and peasants on the road, the historic fortress of Königstein, with its diverse buildings, reared up imposingly as though emerging from the craggy rockface. The cool light playing over the various structures, the deep tonalities of greys and browns, the pattern of white accents across the surface and, above all, the sheer variety of shades of green conveyed both the chilly strength of the fortress and the calmness and fertility of the surrounding countryside. The freshness of handling enlivened the painting, adding to the sense of a view captured in specific atmospheric conditions.

Bellotto's boldness of vision was striking: his response to the landscape of Saxony was imbued with a Piranesian sense of the expressiveness of architecture, and the character of the painting was wholly unlike the earlier Italian city views that were mainly found in UK collections. Of the four views of Königstein remaining in this country, it was the most significant and visually arresting in its treatment and iconography.



Bellotto began work at Königstein about 30 March 1756, no doubt making drawings there. His two views of the interior of the complex (Manchester Art Gallery) emphasised the variety of its buildings and the orderliness of military and domestic life there; but it was the three exterior views that were remarkable and innovative in evoking its monumentality, its layered history and its dominant situation.



Our appreciation and understanding of Bellotto's distinctive achievements and art-historical importance had significantly deepened since the 1990s: archival research and connoisseurship had established his early reputation and prodigious talents, while research on his career as a European court artist at a time of political and artistic change had generated many recent exhibitions. Bellotto had emerged from the shadow of Canaletto

and of the Venetian context of his youth to be regarded as an outstanding artist in his own right who developed a highly original style, and whose greatest artistic legacy was his series of views of Dresden, Pirna and Königstein.

While there was a wonderful range of works from the artist's early career in the UK, which were extremely important for our understanding of

Plate 8 *The Fortress of Königstein from the North* by Bernardo Bellotto

how Bellotto gained an identity independent from Canaletto, this painting was exceptional as it showed Bellotto to be an innovative and brilliant artist in a European context. Of the last four Königstein scenes remaining in the UK, this was the best, not only in terms of Bellotto's treatment of the Saxon landscape but also for his poetic response to history and architecture.

The applicant disagreed that the painting met the Waverley criteria. They had stated in a written submission that although the painting had been in the UK since the late-18th or early-19th century, it had not formed part of any important national collection. Indeed, the painting and its companion, *The Fortress of Königstein from the South*, had languished for some 200 years in relative obscurity. The paintings had been infrequently published and not included in any exhibition devoted to Bellotto's work. The painting had not been the subject of scholarly debate or discussion in this country nor had there been any interest in tracing its British provenance, or in bringing it to a wider audience.

The UK already enjoyed a rich holding of works by Bernardo Bellotto, both in public institutions and private hands, a number of which can be said to be of greater aesthetic significance and historical interest than this painting. The finest of these were the two complementary views in Manchester.

The exceptional view of Königstein in Washington by far surpassed in quality and importance this work and had been studied in detail (by Edgar Peters Bowron, in *Bernardo Bellotto: The Fortress of Königstein*, Washington, 1993), with the result that this painting would not significantly advance the understanding of the artist's works, his place in the history of 18th-century vedute painting, or our knowledge of the Königstein series as a whole.

It must also be noted that the aesthetic significance of *The Fortress of Königstein from the North* was compromised by the uneven condition of the painting.

We heard this case in October 2016 when the painting was shown to us. We found that it met the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of Bellotto, military prowess, dynastic strength and enlightened rule. 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



Plate 8 (detail) *The Fortress of Königstein from the North* by Bernardo Bellotto

at the fair matching price of £11,000,000. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further six 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 six months. We were subsequently informed that the painting had been purchased by The National Gallery for the sum of £11,670,000 (£670,000 more than the fair matching price we had recommended) with assistance from the Art Fund, the American Friends of the National Gallery and the National Gallery Trust, and other individual donors, trusts and foundations. The National Gallery reported at the time that the acquisition of this painting was so important to it that it was willing to try and fund the additional costs which the owner had asked for to compensate them partially for the fall in the value of Sterling since the date they had bought the painting.

Currency fluctuations are not taken into account by the Committee as it sets the matching price in Pound Sterling. Overseas purchasers should be aware that if they purchase any object which might satisfy the Waverley criteria, there is a likelihood that an export licence will be deferred as part of the UK's normal export control procedures. It is then for exporters to mitigate their exposure to the consequences of currency fluctuations.

Case 11 *A Dutch Girl at Breakfast* by Jean-Étienne Liotard

Painted in oil on canvas by Jean-Étienne Liotard (1702–89) circa 1755–56, and measuring 46.8cm by 39cm.

The applicant had applied to export the painting to the Netherlands. The value shown on the export licence application was £4,405,000, which represented the hammer price paid at auction, plus buyer's premium.

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

The expert adviser provided a written submission stating that *A Dutch Girl at Breakfast* was a rare example of Liotard painting in oil and was closely connected with British history and national life. Following Liotard's exhibition in London in 1773, the painting remained in Britain for over two centuries. Liotard's great friend and patron Sir William Ponsonby, 2nd Earl of Bessborough, who amassed more than 70 works by the artist during his lifetime, bought *A Dutch Girl at Breakfast* at Christie's on 16 April 1774. This relationship represented one of the most important associations between a British aristocrat and a contemporary artist. Furthermore, the painting's early history in London reflected the city's growing dominance in the European art market at the end of the 18th Century, while its recent history hanging on the walls of The National Gallery between 2002 and 2016 had made it the only openly accessible work by Liotard in Britain.

The expert adviser also stated this painting met the second Waverley criterion due to its outstanding aesthetic importance and near-impeccable condition. The meticulous handling of paint epitomised Liotard's theories of art: his best-known maxim was that a picture should have 'point de touches' (no visible mark-making). In this, *A Dutch Girl at Breakfast* displayed Liotard's ability to imitate different surfaces and textures, from the sophisticated rendering of the painting on the back wall, to the extraordinary reflections of the coffee service in the table-top. The painting's subject matter was unique in Liotard's oeuvre. Within Britain, its genre and medium make it highly unusual: there were no genre scenes by Liotard in

British public collections, and the vast majority of his works in this country were either miniatures or pastels, many of which, sadly, did not share this picture's extremely high quality.

In their written submission, the applicant, the Rijksmuseum in Amsterdam on behalf of the Kingdom of the Netherlands, had maintained that the painting did not meet the first or second Waverley criteria, and argued for mitigating circumstances should it be considered to meet the third. Regarding the first criterion, the applicant stated that after its acquisition by the 2nd Earl of Bessborough in London in 1774, there was no known mention of the work until its publication in E Humbert, A Revilliod and JWR Tilanus: *La Vie et Les Oeuvres de Jean-Étienne Liotard*, Amsterdam, 1897. This placed it either at Bessborough House in County Kilkenny or at Bishops court in County Kildare (both now in the Republic of Ireland). It had also been shown only once in public during the 20th Century. It had remained largely unknown outside the specialist literature until deposited on loan at The National Gallery, London, from 2002 to 2015.

Regarding the second criterion, the applicant stated that within Liotard's own oeuvre, it cannot be compared to the pastel known as *La Belle Chocolatière* at Dresden, or to the *View of the Massif of Mont-Blanc with Self-Portrait* in the Rijksmuseum, Amsterdam. Also, Liotard's works in oil were generally considered inferior to his pastels. Furthermore, the painting fell short of the works by Dutch 17th-century masters, such as Metsu and Ter Borch, to which it paid homage.

Regarding the third criterion, the applicant contended that Liotard's *A Dutch Girl at Breakfast* could be most fruitfully studied in the context of the publicly accessible collections of the Rijksmuseum. The reference collection held at the Rijksmuseum consisted of 22 works by Liotard – including Liotard's portrait of the painting's first owner, the 2nd Earl of Bessborough – which had a direct provenance from the artist via his eldest son and a granddaughter.

We heard this case in October 2016 when the painting was shown to us. We found that the painting did not meet any of the Waverley criteria and recommended that an export licence be issued. An export licence was issued.

Case 12 Wedgwood 'Black Basaltes' First Day's Vase

This vase was thrown by Josiah Wedgwood (1730–95) and Thomas Bentley (1731–80) at the Etruria factory then decorated in the Bentley and Wedgwood workshop in London, in 1769.

Based on ancient Greek pottery, oviform with curved upright loop handles, decorated in orange-red encaustic enamel with three classical figures above a titled frieze inscribed 'Artes Etruriae and renascuntur.', the other side inscribed in encaustic enamel 'JUNE XIII .MDCC.LXIX./One of the first Days Productions/at/Etruria in Staffordshire,/by/Wedgwood and Bentley.', above a band of palmettes, the neck moulded with bosses and decorated with a band of grass, the cover with a band of anthemion around a knop finial measuring 25.4cm.

The applicant had applied to export the vase to the USA. The value shown on the export licence application was £482,500, which represented the hammer price at auction plus buyer's premium.

The Senior Curator and Head of Ceramics & Glass, Department of Sculpture, Metalwork, Ceramics and Glass, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the vase under the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of Josiah Wedgwood, the modernisation of Wedgwood vase production at the Etruria factory and the British Industrial Revolution.

The expert adviser had provided a written submission stating that the 'Black Basaltes', 'encaustic'-decorated 'First Day's Vase' was thrown in 1769 by Josiah Wedgwood and Thomas Bentley at the Etruria factory and decorated almost certainly by William Hopkins Craft, the most skilled enamel painter in their London workshop. The expert adviser stated the First Day's Vase was one of only four surviving vases made by Josiah

Wedgwood in person, working in partnership with Thomas Bentley on the opening day of their new factory Etruria, on 13 June 1769. This iconic vase was of great national importance. Made by one of the country's great heroes of the industrial revolution, it could be seen to represent the birth of one of the nation's most important industries, one which was to dominate the area around Stoke-on-Trent for over 200 years.

The First Day's Vases were crucial for the understanding of Wedgwood's drive to modernise his production and to market his fine wares to a rapidly expanding, style-conscious clientele. The vases were the only products known to have been thrown by Josiah Wedgwood himself, and the very first vases made at his model factory Etruria. The decoration was painted by hand in Wedgwood and Bentley's London decorating workshop, and the design on each of the four remaining vases was slightly different.

The applicant disagreed that the vase met the Waverley criteria. They had stated in a written submission that although the First Day's Vases were of historical significance, the particular vase in question was not unique, being one of four, and was not so closely connected with our history and national life that its departure would be a misfortune.

The First Day's Vase in question was exquisitely beautiful, but its quality was in line with other pieces produced by Wedgwood and Bentley at that time. Part of its aesthetic importance was intrinsically bound up with its historical significance, and without this commemorative importance it was no more significant aesthetically than any of the other fine pieces of the time.

The First Day's Vases embodied the culmination of countless scientific experiments to perfect both the 'Black Basaltes' body, and the recipe for the encaustic enamel, but once perfected, this 'Black Basaltes' body with encaustic decoration was used with the same degree of perfection on other pieces.



Plate 9 Wedgwood 'Black Basaltes' First Day's Vase



The figural decoration was derived from a plate in the first volume of d'Hancarville's catalogue of Sir William Hamilton's vases, *Antiquities, Etrusques, Grecques et Romaines*. This was an early documented use of this source, but its use was not outstanding aesthetically as the Hamilton source was used for other pieces of equal aesthetic quality at this time.

All three of the other First Day's Vases were publicly accessible in museums, and were available for study. A fourth example would not represent a significant addition to this.

We heard this case in November 2016 when the vase was shown to us. We found that it met the first and second Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life and it was of outstanding aesthetic importance. 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 £482,500 (plus VAT of £16,500). 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 vase, the deferral period should be extended by a further four months. After careful consideration, the Minister decided that the initial deferral period should be three months.

During the initial deferral period, we were informed of a serious intention by The Potteries Museum & Art Gallery to raise funds to purchase the vase. A decision on the export licence application was deferred for a further four months. We were subsequently informed that the vase had been purchased by The Potteries Museum & Art Gallery with assistance from the Art Fund, the ACE/V&A Purchase Grant Fund and the National Heritage Memorial Fund.

Case 13 Mughal sapphire- and ruby-inset huqqa set

This circa mid-18th-century silver huqqa set for smoking tobacco through scented water is partly gilt, decorated throughout in enamel (mostly blue, but also green and, on the base, purple) and set with white sapphires and rubies. Made up of five separate parts – 1) globular base, height 16.9cm; 2) tobacco bowl, height 9cm, and 3) cover, height 7cm; 4) ring, height 5cm; 5) mouthpiece, height 6.5cm – the maker is unknown.



The applicant had applied to export the huqqa set to Qatar. The value shown on the export licence application was £240,000, which represented an estimated value based on a June 2015 insurance valuation.

The applicant explained that since the last time this item and the one following, the Mughal ruby- and emerald-inset flask (case 14) had appeared before our predecessors on 20 September 2004 (reported as cases 12 and 13 in our 2004–05 annual report), when both had been found to meet the Waverley criteria and the then owner had withdrawn the applications once serious expressions of interest had been made, the identity of the owner had changed. The new owner had collaborated with the Victoria and Albert Museum and had placed both items on loan at that museum for long periods. The applicant stated that the current owner very much

regretted the previous withdrawal of the export licence application on the part of the previous owner, an act which it said it accepted ran contrary to the spirit of the export control system.

The Head of the South and Southeast Asia Section, Department of Asia at The British Museum, acting as expert adviser, had objected to the export of the huqqa set under the first and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life and it was of outstanding significance for the study of Mughal court arts – gold and silver-smithing, jewel-setting, enamelling – and the place of tobacco in the social etiquette of early modern India and its adoption by British administrators in the later 18th Century.

The expert adviser had provided a written submission stating that the huqqa set had a well-established provenance in this country reaching back to only a few decades after its likely production. It belonged to Robert Clive (1725–74), 'Clive of India', and then passed to his son Edward, 1st Earl of Powis, and then to his descendants. From the correspondence of the first Lady Clive, it can be deduced it was already in this country in 1766, while it was certain to have been in Britain from 1775 as it was clearly recorded in an inventory of Lord Clive's estate following his death the year before. Since that time it had remained in the possession of the Clive family and, from 1987, had been exhibited at Powis Castle (the Clive/Herbert house), which, since 1952, had been in the care of the National Trust. This information meant it was possible to extrapolate dates for the many more undated examples of Lucknow enamelling. The fact the set was complete only added to its importance. Furthermore, the set was notable as the bowl was of the earlier globular type, rather than the later and more common bell-shaped type.

The close link between the set and Robert Clive made it extremely important in terms of understanding the complex history of British engagement with India. Its beauty, as well as its utility, spoke forcefully of the relationships being formed in the 18th Century between Britain and India. The huqqa set shed light upon the Mughal courts and their successors in a time of great political and economic turbulence. The collapse of the mighty Mughal Empire in the 18th Century and the establishment of both regional and colonial powers was the backdrop to the production of this beautiful and extravagant object.



The expert adviser noted that the Powis three-piece huqqa set (with a bell-shaped base), referenced by the applicant, was not comparable to the item under consideration. As the base was bell-shaped, the huqqa set was approximately 80 years older than the set under consideration and very unlikely to be connected with Clive.

The applicant disagreed that the huqqa set met the Waverley criteria. There was no information at all about how and when it was acquired by Lord Clive, whether it was specially commissioned for him, or whether it was given to him. It was certainly the only one of the two items under consideration that was contemporaneous with Clive's period in India, so a personal link was possible. There was, however, another three-piece set of similar style, workmanship and period that still remained with the family and was formerly on loan from them to Powis Castle.

The huqqa set was a classic example of something which had a powerful initial impact but which on closer inspection did not live up to it. The stones were sapphires, not diamonds. The enamelling was not as fine as one would have expected for a piece from India of this period. Also the blue on the body of each piece, which was of a very impressive intensity and clarity, was damaged with bits missing and replaced by blue paint. It could not therefore be of outstanding aesthetic significance.

There was a second example that remained at Powis, also gem-set on a blue enamel ground. The form of each element here was well attested in collections in the UK and the decoration was generic. The significance of this set, therefore, was not 'outstanding' to any branch of art, learning or history.

Plate 10 and detail Mughal sapphire- and ruby-inset huqqa set

We heard this case in November 2016 when the huqqa set was shown to us. We found that it met the first and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life and it was of outstanding significance for the study of Mughal court arts (gold- and silver-smithing, jewel-setting, enamelling) and the place of tobacco in the social etiquette of early modern India and its adoption by British administrators in the later 18th Century. The applicant having assured us that the owner would accept a matching offer, 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 £240,000 (plus VAT of £48,000). 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 huqqa set, the deferral period should be extended by a further three months. After careful consideration, the Minister decided the initial deferral period should be three months.

During the initial deferral period a serious expression of interest to raise funds to make a matching offer for the huqqa set at the fair matching price of £240,000 was made by a public body. A decision on the export licence application was deferred for a further three months. Shortly after that the owner concluded that it did not wish to sell the huqqa set. The Secretary of State therefore decided to refuse an export licence. This is in accordance with the published guidelines to exporters.

Case 14 Mughal ruby- and emerald-inset flask

This unique 17th-century inscribed wine flask made of jade, lined with silver, and set with rubies and emeralds, the stopper decorated with niello, and within the neck a grill of gold, set with a ruby, is thought to date from the reign (1605–27) of the Mughal Emperor Jahangir.

The applicant had applied to export the flask to Qatar. The value shown on the export licence application was £6,000,000, which represented an estimated value, based on a June 2015 insurance valuation.

The applicant explained that since the last time this item, and the one before, the Mughal sapphire- and ruby-inset huqqa set (case 13) had appeared before our predecessors on 20 September 2004 (reported as cases 12 and 13 in our 2004–05 annual report), when both had been found to meet the Waverley criteria and the then owner had withdrawn the applications once serious expressions of interest had been made, the identity of the owner had changed. The new owner had collaborated with the Victoria and Albert Museum and had placed both items on loan at that museum for long periods. The applicant stated that the current owner very much regretted the previous withdrawal of the export licence applications on the part of the previous owner, an act which it said it accepted ran contrary to the spirit of the export control system.

The Head of South and Southeast Asia Section, Department of Asia at The British Museum, acting as expert adviser, had objected to the export of the flask under the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of the 'histories' of Indian objects in Britain.

The expert adviser had provided a written submission stating that the flask was a magnificent indicator of the sumptuous court life of the Mughal emperors. The assembly of silver (interior),

jade, emeralds, rubies and gold was a very striking combination. The message it conveyed was of a lifestyle of great sophistication and internationalism. Jade vessels and objects were still of comparatively recent appearance at the Mughal court in the reign of Jahangir (1605–27). The raw material came from Khotan in western China and jade was only known in India from the reign of Akbar, the father of Jahangir.

From a technical point of view, the flask was a tour de force given that the individual plates of jade had to be separately measured and made to fit the shape of the inner silver vessel. Jade could only be abraded not cut, so the construction of such an item was a matter of great technical virtuosity. On the base, an inscription provided information, in Persian and in tola, of the weight.

The flask was unique, there was no other object like it anywhere in the world, let alone in Britain. It was of outstanding importance as it intersected with so many different narratives – Mughal political and technical history; the consumption of wine and the history of viticulture; British expansion in India; gift-giving; the reception and treasuring of Indian objects in Britain, and the passage of these rare survivals down through families, providing long provenances for objects that had, otherwise, been dispersed or broken up.

The likely history of the flask as a gift to Lord Clive in the aftermath of the Battle of Plassey referenced the culture of gift-giving using precious stones and gems, a practice well understood in the Mughal court but found bewilderingly tempting to the British when they encountered it in the 18th Century. The flask provided a rare window into this element of Indian history. It was also a reminder of the morality of the actions of 'the Nabobs' (British soldiers and administrators in the 18th Century who made huge fortunes while in India), which was questioned at that time and since. Clive himself was the subject of judicial investigation when he returned to London, as were other key figures in the story of British India.

Furthermore, the flask clearly spoke about a moment of importance in the narrative that bound India and Britain together, a topic as relevant today as it was in the 18th Century. This was an object coming from a princely treasury and acquired by a soldier fighting for a trading company (Clive and the East India Company) at the moment when commercial power shifted, ineluctably in the subcontinent, to political power.

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

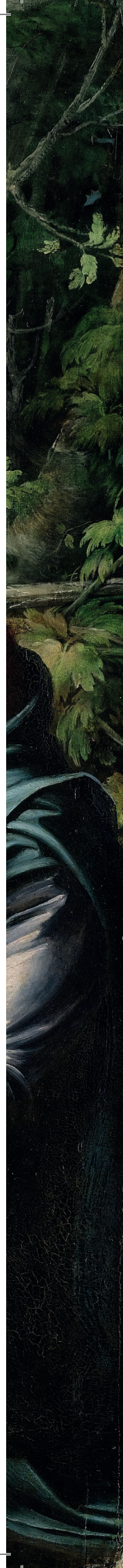
We heard this case in November 2016 when the flask was shown to us. We found that it met the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of Mughal political and technical history, the consumption of wine and gift-giving in Mughal India, Clive of India and the British expansion in India. The applicant having assured us that the owner would accept a matching offer, we recommended that the decision on the export licence application should be deferred for an initial period of four months to allow an offer to purchase to be made at the fair matching price of £6,000,000 (plus VAT of £1,200,000). 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 flask, the deferral period should be extended by a further six months.

During the initial deferral period a serious expression of interest to raise funds to make a matching offer for the flask at the fair matching price of £6,000,000 was made by a public body. A decision on the export licence application was deferred for a further six months. Shortly after that the owner concluded that it did not wish to sell the flask. The Secretary of State therefore decided to refuse an export licence. This is in accordance with the published guidelines to exporters.



Plate 11 Mughal ruby- and emerald-inset flask





Case 15 *Virgin and Child with Saint Mary Magdalen and the Infant Saint John the Baptist* by Parmigianino

This painting by Girolamo Francesco Maria Mazzola, called Parmigianino (1503–40), dates from circa 1535–40. Oil on paper, laid on panel, it measures 75.5cm by 59.7cm.

A seated Madonna in a pink and blue gown – positioned to the right of the composition – looks down at the standing Christ Child and holds his left arm. The Child in turn looks towards the young Saint John the Baptist whose hands are together in prayer. Behind the Christ Child, and supporting him, was a seated young woman, almost certainly Mary Magdalene; she was identified by the jewellery chest in the foreground. What was probably her assumption appeared in the top left – behind the verdant landscape and stream, and above a rocky outcrop – in the form of a figure atop a cloud. The work was in excellent, almost pristine condition.

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £24,500,000, which represented an agreed purchase price subject to the granting of an export licence.

The Director of The National Gallery, assisted by the Curator of 16th-Century Italian Paintings, acting as expert adviser, had objected to the export of the painting under the first and second Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life and it was of outstanding aesthetic importance.

The expert adviser had provided a written submission stating that *Virgin and Child with Saint Mary Magdalen and the Infant Saint John the Baptist* was a rare example of a religious easel painting from the last decade of Parmigianino's short life. Characteristic of the more highly finished paintings of his late years, it was one of the finest specimens by the artist remaining in private hands, beautifully painted and notable for the vivid and detailed rendering of the landscape. Furthermore,

its iconography was highly unusual and merited further study. In superb condition, it had been painted on paper, a support which may not have been as unusual in the 16th Century as previously thought, but of which only a few examples had been identified.

The work had been in the United Kingdom for nearly 250 years and was one of the first paintings by Parmigianino to be bought by a British collector. Acquired from the Barberini Collection in Rome and imported into Britain by the Scottish dealer Gavin Hamilton, it subsequently formed part of three distinguished collections of Italian Renaissance paintings in this country.

The applicant agreed that the painting met the second and third Waverley criteria, but suggested it did not meet the first Waverley criterion.

We heard this case in December 2016 when the painting was shown to us. We found that it met the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of Parmigianino's oeuvre and the practice of painting on paper in the 16th Century, which had yet to be fully understood. We recommended that the decision on the export licence application should be deferred for an initial period of four months to allow an offer to purchase to be made at the fair matching price of £24,500,000 (plus VAT of £196,000). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further 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.

Plate 12 *Virgin and Child with Saint Mary Magdalen and the Infant Saint John the Baptist* by Parmigianino

Case 16 *Part of the Refectory of Walsingham Abbey* by John Sell Cotman

Circa 1807–08, this watercolour over graphite sketch, on paper, by John Sell Cotman (1782–1842) measures 29.4cm by 45.2cm.

The applicant had applied to export the watercolour to Canada. The value shown on the export licence application was £350,200, which represented the hammer price at auction, plus buyer's premium and VAT of £11,700.

The Keeper, Department of Prints and Drawings, The British Museum, acting as expert adviser, had objected to the export of the watercolour under the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of the works of John Sell Cotman, and the significance of the watercolour to the history and development of Romantic landscape painting in the early 19th Century.

The expert adviser had provided a written submission stating that *Part of the Refectory of Walsingham Abbey* was without question one of Cotman's most ambitious, striking and unusual watercolours of medieval architecture. This was a field in which he specialised, especially in his early career up to 1811, the period generally considered to be his most successful. *Walsingham Abbey*, though painted three or four years previously, was the only one of the large subjects in the 1811 exhibition of the Norwich Society of Artists which anticipated the Norfolk etchings and was thus chosen by Cotman as a demonstration of the full extent of his abilities and a sign of what was to come.

Walsingham Abbey was unusual in Cotman's watercolours of this size because it did not contain figures and the view was represented as he found it. The falling light highlighted the contrast between the white stone tracery of the windows and the large plain cubic block on the left. The auction sale catalogue entry described this as lime mortar for the building of the new house in 1806. This watercolour therefore also provided an important historical record of the building on this internationally significant site of pilgrimage.

Cotman's treatment of the subject of *Walsingham Abbey* was astonishingly original in the way he combined the depiction of the medieval ruin with the evidence of current construction work. Such awareness of the processes of historical change applied to the topographical and picturesque tradition was normally identified as belonging to JMW Turner's *Picturesque Views in England and Wales*, executed around 20 years later. Such a radical gesture was never repeated in Cotman's own work.

Walsingham Abbey had one final claim to 'outstanding significance', and that was in its condition. Of all these large watercolours already mentioned, none match

the bright, pristine state of *Walsingham Abbey*. The importance of the original owner, the banker Francis Gibson of Saffron Walden, as a patron of Cotman's work was outlined in the sale catalogue. What was not discussed was the esteem in which this work was held during the 'rediscovery' of Cotman in the late 19th and early 20th Centuries. It was shown in the Burlington Fine Arts Club 1888 exhibition that reintroduced his work to a London audience and collectors, where it appeared in reviews in the same sentence as the iconic *Greta Bridge*, lauded as an example of his skill as an architectural draughtsman and colourist, preserving breadth and distinction of mass of form through light, shade and colour.

The applicant disagreed that the watercolour met the Waverley criteria. Regarding the first Waverley criterion, the applicant had stated that the composition had long been known through reproduction but it had not entered the national psyche in the way that other examples of Cotman's work had done. The most important were now in The British Museum, where a significant number of works were held and described as a 'comprehensive collection'. The Victoria and Albert Museum held approximately 124 works, Cecil Higgins Art Gallery in Bedford and Norwich Castle Museum & Art Gallery held significant collections, while Leeds Art Gallery had the largest number of works by Cotman in what was described as 'a nationally significant collection'.

Regarding the second Waverley criterion, the applicant had stated that the most successful works by Cotman were those in which a single powerful shape, such as that of a bridge or a Romanesque arch, contrasted starkly with the sky or stood out against a dark woodland or a shadowy interior. The *Walsingham Abbey* watercolour employed all Cotman's skills as an observer of light, colour and form, but the subject was of insufficient strength to make it a masterpiece.

Regarding the third Waverley criterion, the applicant had stated that the work was a good example of watercolour painting from the heyday of the art, but it was not unique. Technically it was very similar to other examples in public ownership. Students of the history of watercolour had access to a significant number of works of similar quality in public and university collections in Britain. The subject of the drawing was not of outstanding importance from an archaeological or architectural point of view since the building remained standing.

We heard this case in December 2016 when the watercolour was shown to us. We found that the watercolour did not meet any of the Waverley criteria and recommended that an export licence be issued. An export licence was therefore issued.

Case 17 George III mahogany wheel barometer by John Whitehurst

The dial, silvered, signed 'Whitehurst Derby' with three-inch scale for 29-31 inches of mercury is subdivided into hundredths and inscribed for changeable, rain and fair, in a mahogany case, carved with leaves, column (housing the tube) with acanthus leaves at base, and urn finial. Made by Whitehurst of Derby, circa 1770–80, it is 43 inches high, 14 inches wide and 2.25 inches deep.

The applicant had applied to export the wheel barometer to the USA. The value shown on the export licence application was £220,000, which represented the selling price of the item.

The Acting Keeper of Science Collections at the Science Museum, London, acting as expert adviser, had objected to the export of the barometer under the second Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance.

The expert had provided a written submission stating that the wheel barometer had been made by Whitehurst of Derby, circa 1770–80. It met the second Waverley criterion as it was a very fine scientific instrument by a renowned family of instrument-makers. It was one of only nine of its type known, none of which (to the best of the expert adviser's knowledge) were housed in a UK public collection.

The wheel type of barometer (originally described by Robert Hooke in *Micrographia*, 1665, but not in widespread circulation during the 17th or early 18th Centuries) had become more prevalent by the late 18th Century as it was possible to make them more accurate. Mahogany was generally used for cases as it was resistant to cracking and warping, and had a pleasing colour. During the reign of King George III, natural philosophy had become increasingly popular, with scientific instruments finding their way into the homes of the elite classes; the ornate decoration of the wheel barometer in question indicated that it was intended for this purpose.

This barometer was one of a small number of this design known to have been made by the Whitehurst family of Derby, clockmakers and scientific instrument-makers trading at 22 Irongate, Derby. The expert adviser noted that it was difficult to determine with certainty which member of the family made this type of barometer, as John Whitehurst (1713–88) spent much of the late 1770s moving between Derby and London, eventually settling in London permanently.



Plate 13 George III mahogany wheel barometer by John Whitehurst

In his absence, the firm was run by his wife's cousin James Wright, his brother James and his nephew John, to whom he eventually bequeathed the business. This type of wheel barometer was that for which the Whitehurst family name was best known.

This possible association with John made this item of particular interest. As a clockmaker, instrument-maker and natural philosopher, he was widely known in Derby and was painted by Joseph Wright. He was a member of the Lunar Society and made equipment for Matthew Boulton. He later became Stamper of Money Weights at the Mint. His geological research saw him elected a Fellow of the Royal Society.

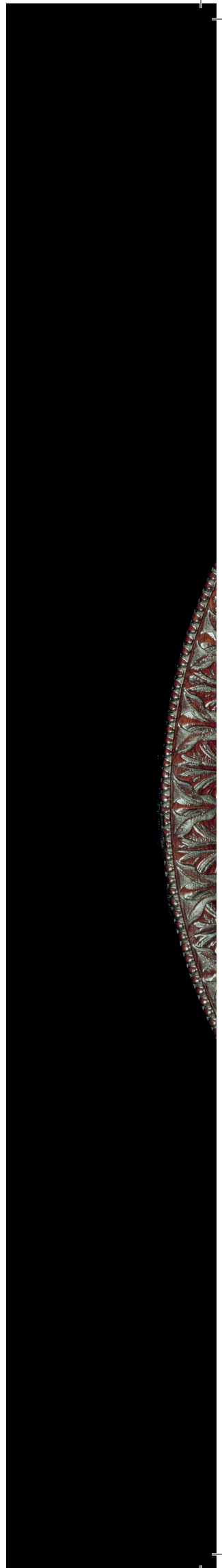
The applicant disagreed that the wheel barometer met the Waverley criteria. The applicant stated that the barometer was one of a group of barometers of the same type and by no means a unique item.

We heard this case in February 2016 when the wheel barometer was shown to us. We found that it met the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of the Whitehurst family's work.

We were unable to make a recommendation on a fair matching price based on the information that had been provided to us and we asked for further evidence to substantiate the sale asking price on the licence.

The applicant submitted a new export licence application in December 2016 with a revised value of £160,000 (net of VAT), which represented an agreed sale price subject to the granting of an export licence. 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 £160,000 (plus VAT of £2,000). 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 wheel barometer, the deferral period should be extended by a further three months.

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





Case 18 English gilt bronze, painted and cast iron railings

This case comprises two sets of railings, each of three sections, made of wrought and cast iron, painted black, with gilt iron and gilt bronze decoration, each set having a central section and two flanking sections. The railings were made in the 1720s by Jean Montigny and modified in the 1740s. They were further modified and restored in 1989–92 to good condition. Each section is 236cm high by 230cm wide and 45cm deep, including supporting plinths.

The applicant had applied to export the railings to Belgium. The value shown on the export licence application was £305,000 (plus VAT of £61,000), which represented the total price paid by the owner for the two sets (one was purchased at auction for £185,000, which represented hammer price plus buyer's premium; the other was purchased after the auction for £120,000, which represented purchase price plus buyer's premium).

The Deputy Keeper, Department of Sculpture, Metalwork, Ceramics and Glass, Victoria and Albert Museum, accompanied by the Senior Curator, Ironwork & French Sculpture 1600–1914, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the railings under the second and third Waverley criteria on the grounds that their departure from the UK would be a misfortune because they were of outstanding aesthetic importance and they were of outstanding significance for the study of the history of ironwork.

The expert adviser had provided a written submission stating that the railings made of wrought and cast iron, painted black, with gilt iron and gilt bronze decoration, were among the most lavish examples in Britain and were important for the study of the history of ironwork. They illustrated an integral aspect of British 18th-century architectural patronage and the role of ironwork in communicating social status. Designating the perimeter of the central residence of 4th Earl of Chesterfield, the 'Chesterfield House railings' were intended to impress on arrival and to be viewed by the patron and his guests from within the front ground floor reception rooms. Their design and execution was of outstanding quality and of outstanding aesthetic significance.

The railings were probably supplied in the 1720s by Jean Montigny for the first Duke of Chandos, most likely for his country estate Cannons, in Middlesex. Following the Duke's bankruptcy, they were acquired for Chesterfield House, London, for which they were modified in the late 1740s. The production of wrought iron in Britain achieved new

levels of sophistication by 1700 with the arrival of Jean Tijou, examples of whose work can be seen at Chatsworth, Derbyshire (supplied with assistance from Montigny), and Hampton Court Palace. Montigny worked with Tijou and succeeded to his workshop. The present railings were of particular interest as their designer and maker, Montigny, was of French birth and training. The association with Cannons had been questioned but the connection with Chesterfield House was indisputable. The railings presented an important source for the study of British patronage of the highest quality ironwork, as well as of metalwork design and decorative techniques and subsequent structural and decorative modifications.



The applicant disagreed that the railings met the Waverley criteria. The applicant had stated in a written submission that although these railings clearly had an important connection with the Duke of Chandos and Cannons, a great number of other objects commissioned by the Duke for Cannons were testament to his wealth and importance. It was hard to see how these railings were ingrained in British national life, as they were French in taste and design and were most likely executed by a French emigré craftsman at odds with most British ironwork of this time.

While impressive in scale and design, these railings were not in their original condition and their current manifestation had been adapted for commercial means. Having been removed from Chesterfield House, the railings were kept in a barn at Harewood and fell into serious disrepair. Subsequently an extensive series of restoration works was undertaken to make the railings as commercially attractive as possible rather than to return them to their original state.



Plate 14 and detail English gilt bronze, painted and cast iron railings

The attribution of the railings to Jean Montigny was based on their obvious quality and the fact that Montigny worked for the Duke of Chandos at Cannons. Unfortunately, however, it was impossible to prove this attribution. The set of six railings had been significantly restored and adapted, and as the Devonshire House gates were a better example of Montigny's work (and could be firmly attributed to him), they did not believe that these were outstanding examples for the study of early 18th-century ironwork or Montigny's oeuvre.

We heard this case in March 2017 when the railings were shown to us. We noted that the railings had been sold in July 2016 as two separate lots. Each lot consisted of three panels comprised of one central decorative panel flanked by two plainer panels. We agreed that these two lots were part of a greater whole that had been installed at Chesterfield House in the 1740s and that all six railings met the Waverley criteria as one set. We found that they met the second and third Waverley criteria on the grounds that their departure from the UK would be a misfortune because they were of outstanding aesthetic importance and they were of outstanding

significance for the study of evidence of the impact of French architectural ornament on the London palaces of wealthy Francophile, English patrons; design and execution of distinguished late-Baroque iron and bronze work; and the contribution of French-trained ironmasters to English high-style tradition. 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 £305,000 (plus VAT of £61,000). 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 railings, 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 railings. A decision on the export licence application was deferred for a further three months. At the end of the second deferral period, no offer to purchase the railings had been made. An export licence was therefore issued.

Case 19 Meissen figure of 'Pulcinell'

This Meissen Böttger stoneware figure of 'Pulcinell' (16.4cm high, 85.cm wide, 8.2cm deep) from the Commedia dell'arte, partly polished and with original colouring, dates from circa 1710–13.

The item was formerly owned by Emma Budge, a Jewish art collector from Hamburg. Following her death on 14 February 1937, the Nazi authorities seized her entire collection and took it to Berlin in August 1937. The extensive private collection was sold at two auctions held at Paul Graupe's Berlin auction house in 1937. This piece was lot 779. The Nazis replaced the executors of her will with their own and instead of being handed over to Emma Budge's heirs, the proceeds of the auction were paid into blocked accounts where they remained 'in safekeeping' for the Third Reich. Emma's heirs never received any of the money. At the sale, this figure was bought by the art dealer Isaac Rosenbaum for 3500 Reichsmark. Rosenbaum was a trusted adviser to Mrs Budge and somehow (the precise details are lost) he must have passed or sold the piece to his friend and business associate Arthur Kauffmann.

Arthur Kauffmann was Managing Director of the Frankfurt branch of the Hugo Helbing fine art auction house and a prominent member of the Jewish community, and he was on the board of the Frankfurt Jewish Museum. He fled Nazi Germany in April 1938, having sent his children ahead of him, and it is assumed that he brought the figure to England at this time where it remained until its recent sale.

Given that the export licensing regime is subject to a legal obligation of confidentiality, information received pursuant to a licence application cannot be passed to third parties and therefore the Secretary of State is prohibited from passing on the details of export applications even where spoliation during the Nazi era may be relevant. The terms of reference of the Spoliation Advisory Panel also preclude it from considering a claim for an item which is privately owned unless it is at the joint request of the claimant and the owner. In the absence of any spoliation claim, the Secretary of State asked us to consider the object in the normal way and advise on whether the object met any of the Waverley criteria.

The applicant had applied to export the figure to Japan. The value shown on the export licence application was £270,000, which represented the agreed sale price subject to the granting of an export licence.

The Keeper of Ceramics, The Bowes Museum, acting as expert adviser, had objected to the export of the figure under the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of Böttger stoneware.

The expert adviser had provided a written submission stating that due to its contraposto pose and superior modelling, the figure had an excellent claim to be considered of outstanding aesthetic importance. It was made by a factory which was regarded as one of the leading 18th-century ceramic factories, not least because it had the reputation of being the first factory in Europe to make true hard-paste porcelain in the manner of the Chinese.

The subject matter was significant as the figure was the very first of what became a genre: the Commedia dell'arte figure – leading to the recognisable porcelain figures of Harlequin, Columbine, Pantaloon and so on of the mid- to late-18th Century.

The expert adviser stated that, in his opinion, the United Kingdom had good but not outstanding collections of Meissen porcelain and stoneware in a number of institutions but relatively little of the 'top class' wares that circulated among the crowned heads and great European aristocratic families at the time (the Hanbury Williams service of 1748–50 at Alnwick Castle was perhaps the exception that proved the rule). In general, British collections were weak in those items of elaborate design, craftsmanship, ingenuity and skill that represented the very best of royal patronage or 'princely magnificence' that can be seen to best advantage in the former royal palaces of Vienna, Munich, Russia and Dresden.

The applicant had stated in a written submission that the figure did have some significance to the study of Meissen figures and Böttger stoneware. The applicant provided further provenance information that had recently come to light:

Emma Budge Collection.

Sold in the Emma Budge Sale, Paul Graupe, Berlin, 27 to 29 September 1937, Lot 779. Bought by Rosenbaum for RM 3500 [estimate 1500]. Isaac Rosenbaum to Arthur Kauffman. By descent.

We heard this case in December 2016 when the figure was shown to us. We found that it met the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of Meissen porcelain and 18th-century sculpture. We recommended that the decision on the export licence application should be deferred for an initial period of four months to allow an offer to purchase to be made at the fair matching price of £270,000 (plus £4,500 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 figure, the deferral period should be extended by a further three months.

Following the announcement of the export deferral of the Meissen figure, the Secretary of State was contacted by the law office representing the estate of Emma Budge. They asserted that the 1937 sale of this object was a direct result of anti-Semitic persecution under the Nazi regime and that the object should therefore

be returned to the Budge Estate. Aware that the Spoliation Advisory Panel can only consider claims for objects in private collections where the private owner is a party to a joint request for such consideration, the Budge Estate lawyers indicated that they would welcome consideration of this matter by that Panel and asked the Department to pass on this proposal to the owner, which was done. No joint approach was made to the Spoliation Advisory Panel and given that no offer to purchase the figure had been made and we were not aware of any serious intention to raise funds at the end of the initial deferral period, an export licence was issued.



Plate 15 Meissen figure of 'Pulcinell'

Case 20 Terre de faïence vase, *Tripode*, Picasso

Pablo Picasso (1881–1973)'s tripod vase, *Tripode* or *Françoise leaning on her hands*, made in 1951, is white earthenware, thrown elements, decorated with oxides, white glaze. Edition number inscribed 35/75, with marks: 'MADOURA PLEIN FEU / EDITION PICASSO'. Height 75.5cm.

The applicant had applied to export the vase to the USA. The value shown on the export licence application was £218,027.13, which represented the hammer price paid by the owner at auction plus the buyer's premium and artist's resale royalty.

The Senior Curator, Ceramics and Glass, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the vase under the first and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life and it was of outstanding significance for the study of Picasso's ceramics, and of artist ceramics more broadly.

The expert adviser had provided a written submission stating that *Tripode* was a substantial piece and that it stood as an iconic example of Picasso's ceramic editions made in collaboration with the Madoura pottery. The idea of producing editioned pieces, probably proposed to Picasso by Suzanne Ramié, was embraced readily by the artist, and such works formed a substantial and significant part of his ceramic output. The cultural value of editioned pieces should not be underestimated. Furthermore, this piece counted among the most

significant works in the Attenborough collection, a pre-eminent collection of Picasso editions, and it featured prominently in the auction catalogue as well as in reports of the sale.

Picasso's ceramics fell broadly into three categories: unique works with painted or incised passages in the artist's hand, applied either to standard Madoura pottery shapes or forms produced to Picasso's specifications; pieces produced from models or moulds worked by Picasso with incised or applied relief, marked *Empreinte Originale* and produced in small editions (comparable to an original print), as is represented in the next case (21), and editioned works produced by the pottery following original designs by the artist, like this one.

From the early 1950s, Picasso began on occasion to utilise vessels that Suzanne Ramié had designed for sale at the pottery, and these were sometimes turned into editions. In this instance, Picasso decorated the front and back of the pot with depictions of his partner, Françoise Gilot. The front view used two of the three tripod legs to suggest her arms, upon which she rested her head, an attitude captured in a photograph of Gilot with two of Picasso's original versions of the pots. While other examples of Picasso's ceramics were arguably of greater aesthetic significance, there could be no doubt that *Tripode* was among the most iconic examples of his ceramic work and the special relationship between Picasso and the Madoura factory. The standing of Picasso's

ceramics within the canon of his artistic output had increased steadily and markedly in recent decades.

Bought by Lord Richard and Lady Sheila Attenborough at the Madoura pottery before 1960, this example from the edition also reflected the pleasure they took in collecting Picasso's works. Evidently a much-loved piece, it could be seen sitting between the couple in photographs taken in the Attenboroughs' home. Shown in the 2007 exhibition of their collection at Leicester's New Walk Museum and Art Gallery, the pot was subsequently returned to the Attenboroughs. It was, nevertheless, included in the comprehensive catalogue of their collection published by New Walk Museum and Art Gallery in 2011. It was easy to overlook the value of Picasso's editioned work, which merited serious attention both in aesthetic terms and in its significance as a means of disseminating the artist's work. Picasso's ceramics were only modestly represented in British public collections. No comparable examples were present in any public collection or among the works from the Attenborough collection that remained on loan to Leicester.

The applicant disagreed that the vase met the Waverley criteria. Regarding the first Waverley criterion, although the applicant acknowledged the important role Lord and Lady Attenborough played in British society, they stated that the present piece itself had little connection to our national life. The ceramic was created in France having been designed by a Spanish artist. The present ceramic

had never been on long-term public display, having only been exhibited publicly briefly in Leicester in 2007.

Regarding the second Waverley criterion, the applicant stated that Picasso's connection to the piece was tenuous. The work was an *Edition Picasso*, which meant that Picasso created a prototype and then workers at the Madoura pottery would have created the edition by painting further ceramics in imitation of Picasso's original. The present ceramic was not in better condition than examples of the same edition that have come to the market in recent years.

Regarding the third Waverley criterion, the applicant stated that there was extensive literature on this work, both from the catalogue raisonné of Alain Ramié and the book on the Attenborough collection by Marilyn McCully. The applicant did not believe that further information could be gained by scholars viewing the work in person than could be gleaned from the literature that was easily accessible to all. Furthermore, this ceramic came up for sale regularly (approximately once a year at Sotheby's London) and was readily available on the open market.

We heard this case in April 2017 when the vase was shown to us. We found that the vase did not meet any of the Waverley criteria and recommended that an export licence be issued. An export licence was therefore issued.

Case 21 Terre de faïence vase, *Oiseaux et Poissons*, Picasso

Oiseaux et Poissons / Birds and Fish is a large vase from 1955 in white earthenware with red slip, press-moulded using moulds with decoration incised by Pablo Picasso, edition number 19/25 incised in black (Empreinte Originale); marks: 'MADOURA PLEIN FEU / EMPREINTE ORIGINALE DE PICASSO'. Height: 49cm.

The applicant had applied to export the vase to Switzerland. The value shown on the export licence application was £186,027.13, which represented the hammer price paid by the owner at auction plus the buyer's premium and artist's resale royalty.

The Senior Curator, Ceramics and Glass, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the vase under the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of Picasso's ceramics, and of artist ceramics more broadly.

The expert adviser had provided a written submission stating that *Birds and Fish* counted among the most significant works in the Attenborough collection, and the vase featured prominently in the auction catalogue as well as in reports of the sale.

It was an exceptional example of Picasso's *Empreintes Originales* – direct 'original' reproductions made using moulds worked upon by

Picasso himself. During the mid-1950s, a number of large-scale pots were produced as *Empreintes Originales* in short editions of around 25. Of these, *Birds and Fish* was the first to be based on a large wide-bellied vase form, almost 50cm in height. Plaster moulds were taken from the original form, into which Picasso incised decoration by hand, this being directly reproduced as positive relief in the finished ceramic pieces. Made using white earthenware, the decoration was highlighted with red slip. Characteristic of Picasso's witty and inventive designs, its playful positioning of the birds and fish in relation to the vase's bulbous form immediately suggested the idea of swimming fish with birds flying above.

Bought by the Attenboroughs at Madoura on 11 September 1965, *Birds and Fish* was among the most substantial and significant works in their collection to have been acquired directly from the pottery. Shown in the 2007 exhibition of their collection at Leicester's New Walk Museum & Art Gallery, the vase was subsequently returned to the Attenboroughs' home. It was, nevertheless, included in the comprehensive catalogue of their collection published by New Walk Museum & Art Gallery in 2011. It is likely that a further vase from the edition of 25 was the '*Grand Vase aux Poissons*' shown in the 1957 Arts Council exhibition of Picasso's ceramics, strengthening the work's association with British audiences.

The idea of producing editioned pieces, probably proposed to Picasso by Suzanne Ramié, was embraced readily by the artist, and such works

formed a substantial and significant part of his ceramic output. Among these, the *Empreintes Originales* hold a particularly important place, representing an innovative method of working developed in order to preserve the direct impression of the artist's hand. It was easy to overlook the value of the editioned work, which merited serious attention both in aesthetic terms and in its significance as a means of disseminating the artist's work.

Picasso's ceramics were only modestly represented in British public collections. A handful of unique and editioned pieces were present at the Victoria and Albert Museum, National Museums Scotland and National Museum Wales. No major *Empreintes Originales* were present. Nor did directly comparable examples exist among the works from the Attenborough collection that remained on loan to Leicester.

When questioned about the research value of this particular piece, as an *Empreinte Originale*, the expert replied there was much that could be learned from close analysis of the object as this was as close to the artist's hand as an edition could be. In response to the suggestion that the motifs did not appear to be part of Picasso's usual repertoire, the expert replied that birds and fish were a common motif in Picasso's work and an example of the artist contemporising the ancient.

The applicant disagreed that the vase met the Waverley criteria. Regarding the first Waverley criterion, the applicant stated that, although

they acknowledged the importance of the Attenborough provenance and the important role Lord and Lady Attenborough played in British society, the present piece itself had little connection to our national life. The ceramic was created in France after being designed by a Spanish artist and had never been on long-term public display, having only been exhibited publicly twice.

Regarding the second Waverley criterion, the applicant stated that Picasso's connection to the piece was tenuous. This work was an *Empreinte Originale* and the design of this piece, with less interesting motifs and colours, was not aesthetically connected with people's idea of Picasso or his biographical art history. The applicant considered that this piece was not among Picasso's most attractive ceramics.

Regarding the third Waverley criterion, the applicant stated that despite having been from a relatively small edition of 25, this ceramic had come up for auction six times since 2010 at various auction houses worldwide and was, consequently, readily available. There was extensive literature, both from the catalogue raisonné of Alain Ramié and the book on the Attenborough collection by Marilyn McCully. Therefore, viewing this ceramic in person did not offer a unique opportunity for study.

We heard this case in April 2017 when the vase was shown to us. We found that the vase did not meet any of the Waverley criteria and recommended that an export licence be issued. An export licence was therefore issued.

Case 22 Glasgow School clock designed by Margaret and Frances Macdonald

This silver, white metal and walnut Glasgow School clock was designed in 1896 by Margaret Macdonald (1864–1933) and Frances Macdonald (1873–1921), sponsored by Thomas Ross and Sons. The clock face has repoussé decoration depicting infants clutching at dandelions to signify the passing of time; the weights depicting owls and birds respectively. Clock face measures 28.5cm by 28cm; mark of TR & S Glasgow hallmarks for 1896.

The applicant had applied to export the clock to the USA. The value shown on the export licence application was £182,500, which represented the hammer price paid by the owner at auction plus the buyer's premium.

The Deputy Keeper, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the clock under the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of the decorative arts in the United Kingdom at the turn of the 20th Century.

The expert adviser stated in a written submission that this was an important Glasgow School clock, designed by Margaret Macdonald and Frances Macdonald, and sponsored by Thomas Ross and Sons 1896. This

clock was an example of a collaboration between the two Macdonald sisters and was exhibited in the London Arts and Crafts exhibition in 1896.

Metalwork by the Macdonald sisters, either individually or collaboratively, was extremely rare. From both careers, only some 17 items survived (in addition to this clock). The clock under consideration belonged to their most productive period of metalworking. Not only did the sisters design their metalwork but they also made the individual pieces. There did not appear to have been a clear division of responsibilities in the production of their work; both were skilled at design and manufacture.

Frances and Margaret were part of the 'Glasgow Four' with their husbands Herbert McNair and Charles Rennie Mackintosh respectively. Their unique vision was a fusion of a wide variety of influences and artistic styles owing something to the Pre-Raphaelites, Aestheticism, the Arts and Crafts movement, the Celtic revival, Japonisme and the emerging European Art Nouveau, as well as being infused by Symbolism, mythology, the sinuous linearity of the work of Aubrey Beardsley, and Jan Toorop during his Symbolist phase. It was the nearest Britain came to an Art Nouveau style that it could call distinctively its own but with its

own, unique Scottish identity. Although at best it received a lukewarm reception at the time, even in Glasgow, it was enthusiastically followed by some of the European avant-garde.

In the late 19th Century the position of women in society was slowly changing. Education opened up new possibilities, not least in the art schools which held out the possibility of a financially independent career. The Arts and Crafts Movement, founded by William Morris with his socialist ideals, fostered this, although not without conservative resistance from society at large. Once married, women were expected to assume a subservient role, and while the reputation of Mackintosh had steadily grown over the course of the 20th Century, his wife's had tended to be eclipsed, although this would not have been the intention of Mackintosh himself.

McNair found his own position more difficult to reconcile. Long after his wife's death and with his own career in evident decline, he burnt most of his wife's designs and watercolours, making her contribution rather difficult to assess. Recent scholarship had made progress in reassessing the contribution of the Macdonald sisters. This clock of 1896 by the Macdonald sisters provided important, objective evidence of their significant reputations

and its export was therefore objected to under the third Waverley criteria.

The applicant disagreed that the clock met the Waverley criteria: the timepiece was not a key work in the study of this area and its departure from the UK would not inhibit further study. According to the Doves and Dreams exhibition catalogue of 2006, there were 52 examples of metalwork by the Glasgow Four in existence, of which 10 were in UK public collections. Another 33 works had been identified but were untraced.

Three clocks had been identified as having been designed by the Glasgow Four, one of which was untraced and referred to in *The Studio Magazine* Vol. II 1897 (p.91), and another of which was brass and in a private collection in the US. The remaining example was the one under consideration. Other items produced by the Glasgow Four were not restricted to any one type of object but included frames, brooches, panels, candlesticks, sconces, pendants, a hair-comb, tea caddy and spoon, a cruet, sugar tongs, a vinaigrette and buckle.

We heard this case in April 2016 when the clock was shown to us. We found that the clock did not meet any of the Waverley criteria and recommended that an export licence be issued. An export licence was therefore issued.

Appendices

Appendix A

Report on additional funding for acquisitions

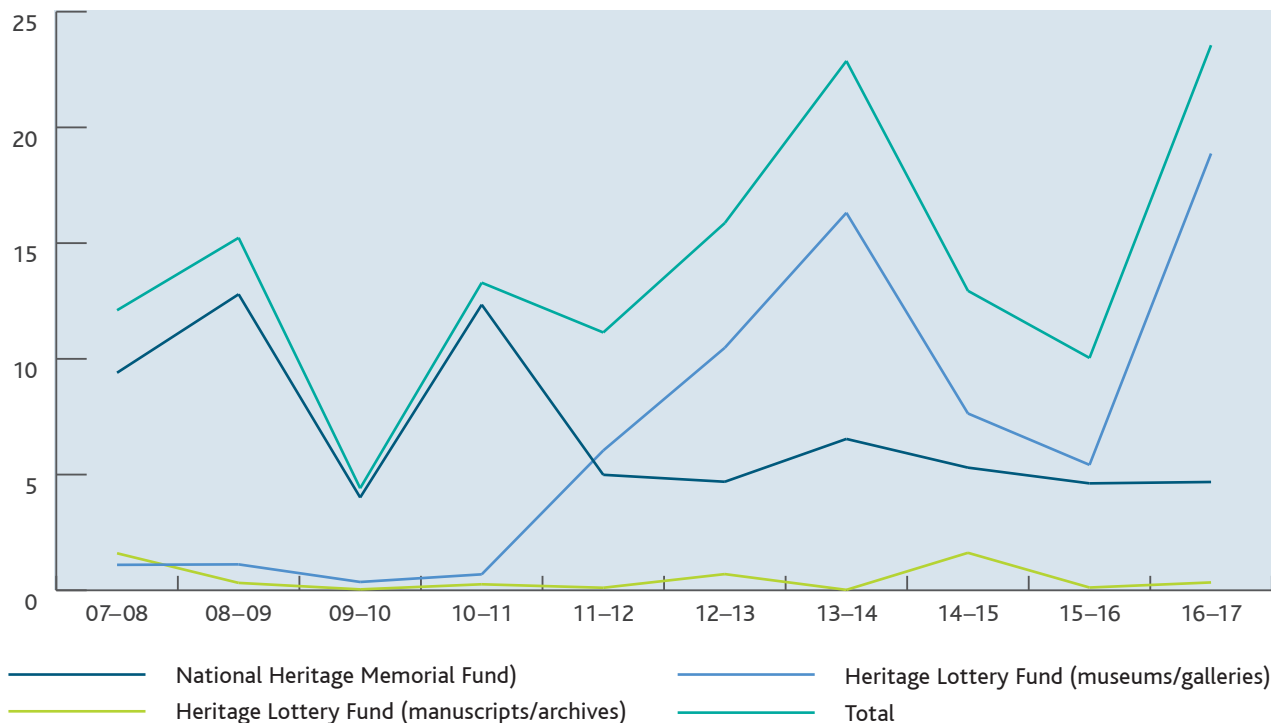
UK public institutions, regrettably, have very limited acquisition funds. We are extremely grateful, as always, for the external funding provided towards purchasing items placed under deferral as a result of recommendations we have made. The money provided by the main funding bodies for all acquisitions of cultural objects is 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 2017 (£ millions) approximate*
2007–08	9.40	1.10	1.60	12.10	15.35
2008–09	13.79	1.12	0.32	15.23	19.42
2009–10	4.01	0.36	0.04	4.41	5.38
2010–11	12.34	0.69	0.26	13.29	15.4
2011–12	4.99	6.04	0.11	11.14	12.51
2012–13	4.69	10.48	0.70	15.87	17.29
2013–14	6.54	16.31	0.019	22.87	24.34
2014–15	5.30	7.64	(1.62)	12.94	13.64
2015–16	4.62	5.42	(0.12)	10.04	10.77
2016–17	4.68	18.87	(0.34)	23.55	23.55

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

Please note from 2014–15 the HLF funding museum/galleries is reported as inclusive of funding for manuscripts/archives

National Heritage Memorial Fund and Heritage Lottery Fund spend on acquisitions 2007–08 to 2016–17



Main funding bodies

i) National Heritage Memorial Fund

The National Heritage Memorial Fund (NHMF), set up under the National Heritage Act 1980 in memory of the people who gave their lives for the UK, acts as a fund of last resort to provide financial assistance towards the acquisition, preservation and maintenance of land, buildings, works of art and other objects which are of outstanding importance to the national heritage and are under threat. The NHMF's grant-in-aid since 2010–11 has been £5 million per annum and, where necessary, it can use its endowment fund for exceptional cases.

NHMF has funded two export-stopped items this year: National Museums Scotland acquired the fourth of a set of four William Burges vases; the third of this set was export-stopped last year and National Museum Wales successfully acquired it with the aid of an NHMF grant. It also funded a spectacular Wedgwood Black 'Basaltes' First Day's Vase, thrown by Josiah Wedgwood himself. The Potteries Museum and Art Gallery will be adding this to their world class collection of ceramics.

Away from export-deferred items, this year the NHMF funded a broad sweep of the nation's heritage. It supported the acquisition of a 1930s fairground ride for the Fairground Heritage Trust; Gunter Mansion, a building that contains a hidden 17th-century chapel, and an exquisite miniature of the 16th-century poet Lord Herbert of Cherbury. Its acquisition by the National Trust will allow it to remain on display in Powis Castle.

Another artwork secured for the nation was Sir Thomas Lawrence's Portrait of Sir Arthur Wellesley, 1st Duke of York. The acquisition of this unusual work has allowed the National Portrait Gallery to add a major portrait of the Duke to their collection; an ambition it has held since its foundation in 1856.

ii) Heritage Lottery Fund

The Heritage Lottery Fund (HLF) is the largest funder of the UK's heritage, with a current projection of circa £400 million a year to distribute. As in previous years, there has been a spread of acquisitions of portable heritage from archives and fine art/sculpture through to archaeology.

HLF was not asked to support any export-deferred items in the reporting year and none have so far been grant-aided in the current financial year.

The largest award, £7.4 million, was to the National Maritime Museum for the acquisition of the Armada Portrait of Elizabeth I. The portrait, sold by descendants of Sir Francis Drake, commemorates the most famous conflict of Elizabeth's reign (1558–1603), the failed invasion of England by the Spanish Armada in summer 1588, and portrays a queen at the height of her power. HLF also helped the National Galleries of Scotland secure the iconic Scottish painting *The Monarch of the Glen*, with an award of £2.75 million. This 19th-century painting by Sir Edwin Landseer will be in public ownership for the first time since it was completed in 1851, and will hang in the Scottish National Gallery for six months before going on tour across Scotland.

HLF continued to support regional museums and archives with acquisitions. York Civic Trust acquired the only known, and indeed earliest, work by Grinling Gibbons to have survived from the woodcarver's early years in York, a narrative high relief celebrating Psalm 150 with King David playing a harp and Saint Cecilia playing an organ. Derby Museums successfully acquired Joseph Wright's *Arkwright's Mills and Willersley Castle* through auction in New York. Both paintings are of the landscape and industry around Cromford and will fill the gap in Derby's collections of paintings of the artist's native Derbyshire.

Other notable acquisitions include that by the Royal Albert Memorial Museum in Exeter of the Seaton Down Hoard, the largest Roman coin hoard found in Devon and the third largest collection of coinage to be found in the UK, and the Ashmolean Museum in Oxford of the Watlington Hoard, seen as one of the most significant finds of Viking material in the last 20 years for the light it sheds on the alliance between Alfred the Great's Wessex and Coenwulf II's Mercia. The Horniman acquired through auction three historic keyboard instruments from the celebrated Finchcocks Musical Museum, which are an important addition to the Horniman's internationally renowned musical instrument collection and will go on permanent public display in its Music Gallery from mid-2019. Details of awards for the acquisition of export-deferred items are in Appendix H (page 80).

iii) Art Fund

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 2016–17, Art Fund contributed towards the acquisition of two items placed under temporary deferral. These were *The Fortress of Königstein from the North* by Bernardo Bellotto and a Wedgwood 'Black Basaltes' First Day's Vase. Details are at Appendix H.

iv) ACE/V&A Purchase Grant Fund

The ACE/V&A Purchase Grant Fund assists the collections of non-national museums, galleries, specialist libraries and record offices in England and Wales. In 2016–17, the ACE/V&A Purchase Grant Fund offered support towards the acquisition of one item placed under temporary deferral: a Wedgwood 'Black Basaltes' First Day's Vase.

v) National Fund for Acquisitions

The National Fund for Acquisitions (NFA), administered by National Museums Scotland with Scottish Government funding, contributes towards the acquisition of objects for the collections of non-national museums, galleries, libraries and archives in Scotland.

In 2016–17, the NFA made 64 payments totalling £131,525, enabling 31 organisations to make acquisitions with a total purchase value of £372,860. At 31 March 2017,

a further 11 grants totalling £33,418 had been committed but not yet paid.

The NFA was not asked to support any export-deferred items in the reporting year and none have so far been requested in the current financial year.

vi) 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 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 2016–17, 44 Acceptance in Lieu and Cultural Gifts Scheme cases were completed, resulting in almost £40 million-worth of important cultural property being secured for the nation. Details are in the Acceptance in Lieu and Cultural Gifts Scheme 2016–17 Annual Report, available on Arts Council England's website.

vii) 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 (for example, 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 pre-eminent importance. This dispensation was extended in April 2009 to Corporation Tax on companies' chargeable gains. This is an advantageous arrangement because a public collection will need to raise less purchase funds than 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 on the Export of Works of Art and Objects of Cultural Interest

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 on the Export of Works of Art and Objects of Cultural Interest, 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.

Members of the Council include the expert advisers who refer objects to the Reviewing Committee (and are normally appointed by the Secretary of State for Digital, Culture, Media & 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 14 June 2017. The main focus of this year's meeting was on cases where an application had been withdrawn either when there was good prospect of an institution raising the required funds, or when the whole matching sum had been raised. The Council also considered the draft policy section of the Reviewing Committee's Annual Report for 2016–17. 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 18 May 2017 when it considered the proposed revised explanatory note on marginalia, the duty of expert advisers to confer with local authorities for locally important manuscripts, and the requirement of copies of documents and manuscripts.

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 ACE/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) ACE/V&A Purchase Grant Fund

During 2016–17, the ACE/V&A Purchase Grant Fund considered 16 cases in respect of manuscripts, documents and archival photographs, and offered 13 grants totalling £110,386, enabling purchases amounting to £282,225 to go ahead. Items purchased ranged from an 18th-century chart of Newfoundland, surveyed by Lieutenant (later Captain) Cook in 1776, bought by the Captain Cook Memorial Museum in Whitby, to an archive relating to the development of Heston Aerodrome between 1921 and 1936, acquired by the Royal Institute of British Architects Library in London.

ii) 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 2016–17, no grants were made towards the acquisition and conservation of archival or similar material.

iii) 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. In 2016, the Friends made or committed 35 grants, totalling £122,410 from the Operating Fund, and £50,987 from the restricted funds. Over £140,000 was awarded to university libraries, county record offices and smaller institutions.

iv) Heritage Lottery Fund and National Heritage Memorial Fund

In 2016–17, the Heritage Lottery Fund committed £336,400 to the archives sector for the acquisition and conservation of manuscripts and documents, while the National Heritage Memorial Fund made no awards over the same period. The recipients of the HLF grants ranged from the Northumberland Archives for their purchase of the archives of Dickson, Archer & Thorp solicitors (the most prominent county solicitors in 19th-century

Northumberland) to The University of West London for the cataloguing and conservation of the archives of Heathrow Airport.

v) Acceptance in Lieu

The Acceptance in Lieu (AIL) scheme is also an important means of retaining archival material within the United Kingdom. During 2016–17, there were five offers accepted via the AIL mechanism which were either archives or contained archival material. Items accepted ranged from the archive of Denis Healey, Baron Healey (1917–2015), to the archive of Sir Robert Edwards, who was awarded the Nobel Prize in Physiology or Medicine for the development of in vitro fertilisation.

Information on all works of art and the archives accepted in lieu in 2016–17 can be found on Arts Council England's website at 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 2016–17, 89 items were purchased by 43 different repositories as a result of notifications. However, there were 24 unsuccessful bids as repositories were outbid or dealers had already disposed of stock.

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.