



## Export of Works of Art 1998-99

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Forty-fifth Report of the  
Reviewing Committee

appointed by the  
Chancellor of the Exchequer  
in December 1952

# Reviewing Committee on the Export of Works of Art

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Dr Richard Dorment  
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## Previous Reports

1997-98 Cm 4056  
1996-97 Cm 3768  
1995-96 Cm 3428

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# Report of the Reviewing Committee on the Export of Works of Art

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1 July 1998 - 30 June 1999

To:  
The Rt Hon. Chris Smith, MP  
Secretary of State for Culture, Media and Sport

## Part I: Report for the year ended 30 June 1999

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### Introduction

1. As in previous years, we have been privileged to have a wide variety of important objects come before our Committee. Among them were the paintings Portrait of an Elderly Man by Rembrandt, The Destruction of the Temple of Jerusalem by Poussin and Le Ruisseau by Gauguin; representing the history of British painting, portraits by David Wilkie, Joseph Wright of Derby and Tilly Kettle, and a Ben Nicholson collage; a twelfth-century gilt-bronze figure from Suffolk of St John the Evangelist; a lady's secretaire by Thomas Chippendale; and the thirteenth-century Burdett Psalter. For the first time, a car was brought before the Committee, the Hutton two-seater racing car of 1908, Little Dorrit.

2. Whilst the number of objects referred to us may have remained low in comparison with some earlier years, their values have shown no sign of diminishing. It has therefore caused the Committee great concern this year to observe that the persistence of low levels of funding available to museums and galleries for purchases, coupled with the effect of policies recently adopted by the Trustees of the Heritage Lottery Fund and the National Heritage Memorial Fund, has contributed to the continuing loss of significant objects from our shores. Unless current policies are changed, the situation is likely to become more acute. The hope of many people, when the Heritage Lottery Fund was set up five years ago, that there need never again be a heritage crisis in Britain, has so far proved to be incorrect.

### The state of the export controls

3. The Waverley system allows you to defer decisions on export licence applications, and this provides a last chance for museums, galleries, libraries and other public institutions in the United Kingdom to raise the money to purchase objects of outstanding historical, aesthetic or scholarly importance before they are exported. Private individuals may also offer to purchase deferred items and, in some cases, provide public access to them in partnership with museums and galleries. We are delighted to note that Girl with a Tambourine by Jusepe de Ribera, which appeared before us in 1997-98, has been lent by a private individual to the Laing Art Gallery in Newcastle.

4. The aggregate value of the 17 objects for which you accepted our recommendation that an export licence be deferred was £23,508,971.36. Of these items, six have been purchased by institutions or individuals in the United Kingdom at a total cost of £2,237,282.50 and one, valued at £2,352.50, was generously donated to a national museum by the owner. While the six items purchased to date represent 35 per cent of the number of deferred items, in value they represent about 10 per cent of the total of objects under deferral. At the time of writing this Report, two items valued at £1,742,898.86 were still under deferral. The value of another item was still under review, prior to the Committee making its recommendations to Ministers.

5. The purpose of the Reviewing Committee is to help retain in the United Kingdom objects of outstanding importance. However, both our Committee and the Advisory Council are concerned at the continuing low level of retention of Waverley standard items in Britain, despite recommendations that export licences be deferred to provide an

opportunity to raise funds. The statistics below show the figures for the period 1987-98.

(1) Year	(2) No. of cases referred to Committee by expert advisers	(3) No. of cases recommended for deferral by Committee	(4) No. of items in (3) that were not exported	(5) % of items in (3) retained
1987-88	32	24	12	50
1988-89	26	15	8	53
1989-90	24	15	5	33
1990-91	27	19	10	53
1991-92	47	43	19	44
1992-93	20	15	7	47
1993-94	24	18	7	39
1994-95	36	29	17	59
1995-96	27	24	14	58
1996-97	29	25	12	48
1997-98	23	15	8	53

6. The increased cost of many major works of art, together with the limited sums available for purchasing in both our great national institutions and the wide variety of marvellous galleries throughout the United Kingdom, makes it very unlikely that any institution, either national or regional, will be able to raise the necessary funds to purchase other than a few of the objects you defer unless it is assisted by one of the grant-making bodies. While some of the items coming before us are of local interest and low monetary value, they are the type of object generally desired by smaller local museums, which often have difficulty in raising even very small sums of money.

7. Observing this rate of retention, it appeared to the Advisory Council this year that there had been little progress since the Committee's Report of 1967-68, in which the efficacy of a system that was not able to retain in the country a greater number of deferred items was questioned. The then Committee's remark continued therefore to have a resonance:

Not only is the effectiveness of the control in preventing the export of objects of a high degree of national importance gravely jeopardised but the whole work and purpose of the Reviewing Committee is brought into disrepute. To function effectively, and to save its labours from futility, it is essential that the Committee should be provided with effective financial teeth: only in this way can the retention of the national cultural heritage be insulated against recurring economic crises and against the chance incidence of a number of national treasures falling on the market within a short period of time.

With the advent of the Heritage Lottery Fund, the Committee does not need 'financial teeth' itself, but rather is looking to you to give guidance to the Trustees of the Heritage Lottery Fund, which results in their helping to support the retention of more Waverley items.

Support from the Heritage Lottery Fund (HLF)/National Heritage Memorial Fund (NHMF)

8. The remit of the HLF is to give financial help to projects that safeguard and improve access to land, buildings, objects and collections of importance to the national heritage of the country. For items below £100,000 that you defer on the recommendation of our Committee, Lottery grants of up to 90 per cent of the total cost can be made by

the HLF. However, for items over £100,000, grants are awarded at up to 75 per cent, leaving a museum or gallery itself to raise 25 per cent or more of the cost.

9. The remit of the Fund and the widening of the definition of 'heritage' have been very considerable in recent years and the Trustees in their recent Strategic Plan, which was prepared following widespread consultations, have decided to earmark very substantial funds for some of their new initiatives. With such a wide remit, our Committee appreciates that the Trustees of the HLF have to make some very difficult decisions when awarding grants and we therefore welcome their support for Thomas Moran's Nearing Camp on the Upper Colorado River, (1997-98 Report, case 17), the set of three portraits by Joseph Wright of Derby, the Chippendale secretaire and the figure of St John the Evangelist. During the past year, the HLF also contributed £5.1 million to 36 acquisitions by museums, galleries and libraries and other institutions across the country, some of which would otherwise very probably have appeared before our Committee. For example, the HLF contributed £900,000 to two fine Reynolds portraits from the Watkin Williams-Wynn collection for the National Museum of Wales, £300,000 to the British Museum towards the cost of the Warren Cup and £570,000 towards the cost of Stanley Spencer's picture of Zacharias and Elizabeth, which was purchased jointly by the Tate Gallery and the Sheffield Galleries and Museums Trust.

10. The HLF's priorities for funding the museums and galleries sector stress conservation, but, of course, also reflect the recent policy directions issued by you to them, which emphasise the Department's commitment to increasing people's access to and enjoyment of our heritage. We note that this policy would support new acquisitions, which undoubtedly have the effect of attracting more new people into museums and galleries. However, we understand that, of their total allocation of £305 million for 1999-2000, the Trustees have decided to earmark £71 million for museums and out of this £10 million for acquisitions - an increase of £5 million on their tentative proposal, but still only 3 per cent of the funds available to them. To put this figure into context, the HLF very generously contributed £8.26 million to a single picture, namely Stubbs' picture of Whistlejacket, in 1997. We are concerned, therefore, that continued pressure on the funds available to the HLF for acquisitions will almost inevitably result in many important objects that the Committee considers, and which are inherently time-limited, being lost to the nation unless other means of saving them are found. (Many, probably the majority of projects supported by the HLF, are not so time-limited.) This concern is illustrated by the table below, which sets out the figures for the NHMF's and HLF's contribution to acquisitions over the past few years:

Year	NHMF	HLF	Total
1995-96	£6,520,665	£11,986,874	£18,507,539
1996-97	£8,526,623	£15,550,502	£24,077,125
1997-98	£5,902,283	£17,386,161	£23,288,444
1998-99	£750,000	£5,069,300	£5,819,300

11. We were particularly disappointed that none of our great galleries in Scotland, Wales or the English regions were able to purchase the one item that we started this year, namely Rembrandt's Portrait of an Elderly Man. We very much shared the hope expressed in your recent interview with the NACF Quarterly that contributions from a variety of different sources would have enabled this masterpiece to be retained in the country. Indeed, the acquisition of an item of such significance could have transformed the collection of a regional gallery. It has, of course, found a very suitable home in the Mauritshuis in the Hague. However, this case illustrates very clearly the problems

faced by museums and galleries in the present circumstances. Other things being equal, a gallery would have had to raise the £9.3 million value of this picture, of which the HLF might have contributed a maximum of 75 per cent or just under £7 million. This single grant would have represented 70 per cent of the HLF's current annual allocation for acquisitions. It would also have left any museum or gallery having to raise at least £2,325,000 from its own resources (and grants from elsewhere), a figure that is clearly beyond the means of most institutions.

12. While in this particular case the figures would have been lower if a gallery had purchased the portrait through a Private Treaty sale, this is by no means the most expensive item that has appeared before us in recent years. The valuation of Poussin's Landscape with a Calm was £16 million and of Fra Bartolommeo's Holy Family with the Infant St John £14 million. A decision by a museum or gallery to attempt to purchase any major deferred item may commit its purchase grant beyond one year, ruling out the possibility of making other acquisitions and forcing choices to be made between collecting and other projects, which may themselves be seeking sponsorship. Faced with this prospect and having studied the HLF's Strategic Plan, our galleries and museums both in London and throughout the country may well think twice before even approaching the HLF

13. The emphasis placed by the Department and the Trustees of the HLF on equitable regional distribution has been supported by the work of the Committee and its 'champions', and is illustrated in our annual reports. During the past year, the Moran painting went to Bolton, the Chippendale secretaire went to Leeds, the Wright of Derby portraits went to Doncaster, the figure of St John the Evangelist went to Bury St Edmunds, the first-century bronze harness-mount went to Cirencester and the van Vianen silver porringer went to Cambridge. It is important, however, that objects also join the collections of our national museums and galleries, where they will be seen by many millions of people, including visitors from the regions, and will thus support the Department's aim to increase access. You are reported in the newspapers as being positively supportive of the HLF providing funds for acquisitions by our great national museums and galleries. It is also worth noting that the National Gallery estimates that some one million of its visitors in a year come from the regions, a larger number than visit most other galleries in the United Kingdom.

14. The National Heritage Memorial Fund used to be a fund of last resort. However, its annual allocation was reduced by successive Governments from £12 million in 1993-94 to just £2 million in 1997-98. Although you have agreed to increase the level of the NHMF's grant-in-aid over time (rising to £5 million in 2001-02), it is still significantly lower than in previous years. These facts, combined with the Trustees of the NHMF's current priority 'to fund collections under threat of destruction or breaking up, rather than individual works of art or collections which are only threatened with loss through export' is one of real concern to the Committee. Even with its somewhat increased resources, the NHMF does not now offer a credible alternative source of funds for major acquisitions that the HLF is no longer in a position to fund. We hope this will be rectified in future years, in keeping with the Fund's founding aim to provide a memorial by acting as a central bulwark in the United Kingdom's defences for the most outstanding parts of our national heritage.

Support from the National Art Collections Fund (NACF)

15. The NACF is a charity exclusively devoted to enriching and preserving the public

collections of art in museums, galleries and historic properties. Its funds come from members as well as its investments and legacies. In 1995-96, the NACF contributed to eight of the ten deferred items purchased by institutions in this country, while the comparable figures for 1996-97 and 1997-98 were seven out of ten and five out of seven respectively. We continue to pay tribute to both the excellent work and the kind generosity of the NACF and its members. In 1998, it offered £3.1 million in grants and paid £2.4 million. We were especially pleased to note the assistance given by the NACF to the acquisition of some of the objects that came before the Committee this year, the first-century bronze harness-mount, the Chippendale secretaire, the set of three portraits by Joseph Wright of Derby, the figure of St John the Evangelist and the van Vianen silver porringer. In our Report last year, we remarked that we were delighted when the NACF generously agreed to double their contribution towards the purchase of Hugh Douglas Hamilton's pastel, Antonio Canova in his Studio, made necessary when the Trustees of the Heritage Lottery Fund turned down the application from the Victoria & Albert Museum. Our Committee is concerned that the limited resources of the NACF may be put under ever more pressure in the event of grant applications being declined by the Heritage Lottery Fund's Trustees.

#### Support from the Museums and Galleries Commission/Victoria & Albert Museum Fund

16. The Purchase Grant Fund, which is administered by the Victoria & Albert Museum on behalf of the Museums and Galleries Commission, assists non-national museums to acquire objects costing less than £300,000. This year, it provided generous assistance with the acquisition by regional museums and galleries of three deferred items. These were the first-century bronze harness-mount by Cotswold Museums Service, the set of three Wright of Derby portraits by Doncaster Museum and Gallery and the van Vianen silver porringer by the Fitzwilliam Museum in Cambridge.

#### Starred Items

17. The rare award of a starred recommendation, as in the case of the Rembrandt portrait mentioned in paragraph 11, is the mechanism by which the Committee signals a work's particular importance and the recommendation that every effort should be made to raise the necessary funds to retain it in the United Kingdom. It is sad to have to record that of the six items starred over the past four years, only two, Canova's Ideal Head and the Moser gold box, have remained in this country. The cutback in HLF/NHMF funds for museum, gallery and library acquisitions and the fact that even matching funding is beyond the scope of many of our museums and galleries to contemplate raising, leads us to suggest that the revival of a system of special Government grants towards acquisitions that preceded the creation of the NHMF may be the only means of retaining in the United Kingdom many significant Waverley items that otherwise would be lost to the nation.

#### Advisory Council

18. The Advisory Council met in July 1998 and considered the draft of our Committee's Annual Report for 1997-98. Among other matters discussed were the Code of Practice of the Export Licensing Unit and European Union export issues.

## Manuscripts, Documents and Archives

19. Following the meeting of the Working Party on Manuscripts, Documents and Archives held in June 1998, the Advisory Council in July 1998 was advised of an intention to recommend that the financial threshold for Open Individual Export Licences (OIELs) for manuscripts should be raised to £1,000. A special meeting of the Working Party was held in October 1998 to discuss the issue further. This endorsed the Working Party's original conclusions and the OIEL limit was subsequently raised and implemented with Ministerial approval.

20. The Working Party on Manuscripts, Documents and Archives met in June 1999. The Victoria & Albert Museum reported on the Purchase Grant Fund, which it administers on behalf of the Museums and Galleries Commission; the Science Museum reported on the PRISM Fund, which it administers on behalf of the Commission.

21. The Victoria & Albert Museum Purchase Grant Fund's annual vote for 1998-99 was held at £1 million for another year, and no change was made to the Manuscripts Fund, which stood at £50,000. As last year, the sum unallocated at the end of the previous year was not carried forward to the Manuscripts Fund but was made available for applications to the Main Fund, matching limited funds to demand.

22. Of the 29 applications to the Manuscripts Fund considered, 18 were successful and grants of £48,913 were awarded. This represented a rise of 7 per cent on the previous year, matching the slight increase in application numbers. Three cases were rejected and, since the Manuscripts Fund was oversubscribed, two cases were rejected owing to lack of funds.

23. As in previous years, a significant contribution was made from the Main Fund with six grants totalling £99,036, including a grant of £35,000 to Cambridge University Library towards their purchase of the archive of the Royal Society of Literature. A total of £147,949 was therefore awarded, enabling purchases costing over £750,000 to go ahead. The average grant fell, mostly owing to the fact that applicants continue to request a smaller percentage of the cost of more expensive items, relying on the generosity of the Heritage Lottery Fund and the Friends of the National Libraries for the balance.

24. From 1 April 1999, the minimum level of subvention from the Purchase Grant Fund rose to £500.

25. The fund for the Preservation of Industrial and Scientific Material (PRISM) is managed by the Science Museum on behalf of the Museums and Galleries Commission. In 1998-99, the PRISM Fund received seven applications for grants to assist with the purchase of archive and manuscript material, and 14 applications for assistance with conservation projects. Eleven of these conservation projects came under the final round of the PRISM/Yorkshire and Humberside Museums Council Photographic initiative, in which museums and other eligible organisations in the region were assisted with the conservation and cataloguing of photographic archives.

26. Demand on the PRISM Fund in 1998-99 was up on previous years, a trend which looks set to continue. As well as the high demand resulting from the photographic initiative, a number of longer-term conservation projects reached fruition, and the recent inclusion of the notional value of volunteer labour as eligible matching funding for a PRISM grant appeared to be having an impact on the number and type of applications the Fund receives. No archive or manuscript applications to the Fund

were reduced or rejected owing to lack of funds during the year and, because of low levels of uptake in previous years, funds were available until the year end.

27. The Working Party held a separate meeting about photographs in September 1998 and discussed the possibility of appointing a representative with experience of the photographic content of archives.

#### Unresolved cases from 1997-98

28. At the time of writing our last Report, there was just one unresolved deferral: a painting, *Nearing Camp on the Upper Colorado River*, by Thomas Moran (1997-98 Report, case 17). We are delighted to report that the painting was purchased by Bolton Museum, Art Gallery and Aquarium with assistance from the Heritage Lottery Fund, the National Art Collections Fund and a number of other sources, including much local support. Our Committee plays great tribute to the success of the fund-raising undertaken by the Bolton Museum, Art Gallery and Aquarium. It is also appropriate to record here that Gawen Hamilton's *The Wedding Party* (1997-98 Report, case 5), which was exported when the Tate Gallery was unable to raise enough funds to purchase the painting, has since returned to the United Kingdom and has now been bought by the Tate Gallery with the generous support of the NACF.

#### Committee membership

29. During the year the appointments of three members of the Committee came to an end: the Chairman, Sir John Guinness; Alastair Laing; and Georgina Stonor. In every case you reappointed these members to each serve a further term.

#### Value Added Tax (VAT)

30. In previous years, we have raised our concern that matching offers for deferred items made by non-charging museums or galleries in the United Kingdom have to include VAT at 17½ per cent, whilst those institutions that charge an entry fee and are deemed to be 'in business' for tax purposes can recover the VAT element of purchases. We understand that the European Commission is not expected to make proposals in the near future concerning the EU Directives that govern the rules of relief from VAT. However, we hope that HM Customs & Excise will press the Commission and other EU states to remove this anomaly, especially given your own strong personal support for free entry to museums and galleries.

31. The Committee notes that the rate of import VAT on works of art has recently risen from 2½ per cent to 5 per cent, following the end of the United Kingdom's derogation under an EU Directive, and is concerned that this will put United Kingdom museums and galleries at a further disadvantage in comparison with institutions outside continental Europe, when trying to purchase objects sold by vendors from outside the European Union. While it welcomes the decision by the Government to extend the 5 per cent VAT rate to the import of categories of art, notably those produced after 1973, that are at present liable to import VAT at 17½ per cent, the Committee urges the Government to continue to press the European Commission to reconsider the principle of the taxation of works of art at import.

## Review of Charity Taxation

32. The Committee is aware that HM Treasury is conducting a consultation exercise on Charity Taxation and hopes that the Government will examine measures that would help museum and gallery charities to build up their collections.

## Champions

33. We are pleased to report that the system of 'champions' for objects that have come before our Committee continues to develop satisfactorily. The champion (normally your Department's expert adviser who has brought the case to the Committee in the first place) has the responsibility of bringing the object to the attention of potential purchasers and informing them about possible additional sources of funding. The champion normally draws the attention of a number of institutions, almost always including one or more institutions outside London, to each object, unless there is a close association with a particular institution. Observations that our Committee has received from champions support our view that the changed priorities of the HLF are tending to discourage applications to the Fund and that purchase grants must be supplemented if museums and galleries are to have a reasonable chance of success in acquiring the objects for which we recommend deferral.

## Collections

34. Last year, our Committee reiterated its concern that there should be a means of ensuring that outstanding collections (particularly those in public or semi-public ownership) are kept intact and that a fourth Waverley criterion should therefore be added to cover collections. In view of the recent sale of the Turner collection by Keele University, we would reiterate that concern. We fully recognise that the question of the export control of items not in themselves of large monetary value but valuable as part of a collection as a whole is not a straightforward issue and that it has been debated and reviewed on several occasions since 1986. Although the existence of pre-eminent collections is not in question, there are both practical and legal problems with the proposition. How, for example, would one define collections for these purposes so that owners could know in advance that they would be subject to control? The difficulty of finding satisfactory answers to such questions should not be underestimated. We believe, however, that if you give the necessary political impetus, acceptable solutions can be found to these practical and legal problems. The existing criteria rely to a very considerable extent on the good judgement and balanced approach of the Department's expert advisers, the applicants, members of the Committee and their independent assessors and finally yourself. For example, few owners of an object now know in advance whether their object will definitely fall within the existing Waverley criteria. We understand that you have asked officials to look again at what could be done in relation to the proposed export of collections in order to prevent their disposal and dispersal and we earnestly hope that some workable solutions can be reached. The difficulties have to be set against the disadvantages of not introducing a collections criterion.

## Local authority funding

35. The problems facing the Buckinghamshire County Museum have again highlighted the plight of many local authority-funded and university museums. Although such museums may seek to acquire objects under deferral, there are many other items on the

market that they are unable to acquire as they have little or no money. It is the case that even modest support from local authorities can enable acquisitions to be made by unlocking assistance from other sources, such as the Museums and Galleries Commission purchase grants administered by the Victoria & Albert Museum and Science Museum, and the Friends of the National Libraries. We hope that the Department's emphasis on local cultural strategies and the launch of challenge funds for designated museums and of education initiatives will both strengthen links between regional plans and national policies and influence local funding decisions to the benefit of these institutions.

### Museum charges

36. Our Committee was particularly delighted that you were able to obtain extra funds to enable free entry for children to the great national collections, and that your intention is to extend free access to include pensioners from next year. We were pleased to note from the Department's booklet *A New Cultural Framework* that funds have been allocated to take forward your programme of broadening free access in 2001. These successes will undoubtedly ensure that there is wider and better access to Waverley items that are retained in this country as a result of your decisions.

### Finance Act 1998

37. Our attention has been drawn to the Government's recent legislation that was designed to improve access to tax-exempt works of art: the rules relating to historic houses and land fall well outside the Committee's Terms of Reference. It is not possible at this stage to know the impact of the new legislation. However, concern has been expressed that revised access requirements and the introduction of a 'pre-eminence' standard for new claims will increase the export of works of art, put pressure on museums and galleries to accept loans of exempt items and reduce the availability of museum quality items for Private Treaty sale. The legislation should certainly make some, probably the majority of, exempted items more accessible. On the other hand, it could reduce accessibility to other items where the owners decide to withdraw items from the scheme and pay any tax that may be due. Where owners decide to sell, it is possible that some heritage items will go abroad. The route of exemption through historical association with a qualifying building will remain, both for new claims and for items that may no longer qualify to re-enter the scheme under the criterion of pre-eminence. These items will continue to be eligible for Private Treaty sale arrangements.

38. The impact of the new legislation will very much depend on what it means in practice for owners and how they react to this. We welcome the current Paymaster General's public undertaking to monitor this impact and recommend that you ask her to publish annual figures about how many objects are covered by agreement between owners and the Revenue about access and how many items are withdrawn from the scheme. Comparable figures can no doubt be provided to show the position before the new legislation came into force, so that some comparison can be made of its effect. Such action would be fully compatible with the Revenue's duty to protect the confidentiality of individual taxpayers' affairs, while providing a sounder basis for the assessment of the impact of the new measures, which can only be guessed at at the moment.

## Part II: Operation of the control

39. The following figures cover the period of this report (i.e. 1 July 1998 to 30 June 1999). The figures in brackets next to them are the corresponding figures for the previous 12 months.

Table 1

(a) Number of applications for individual export licences <sup>1</sup>	8,019	(8,054)
(b) Number of above applications which were for manuscripts, documents or archives	1,778	(1,738)
(c) Number of items licensed after reference to expert advisers on the question of national importance	6,891	(4,844)
(d) Total value of items in (c)	£1,053,691,401	(£2,104,903,315)
(e) Number of Open Individual Licences issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives	17	(19)
(f) Number of items licensed after the Department for Culture, Media and Sport was satisfied of import into the United Kingdom within the past 50 years	9,985	(8,151)
(g) Total value of items in (f)	£1,757,481,581	(£2,820,613,286)
(h) Number of items in (f) that were manuscripts, documents or archives	812	(994)
(i) Total value of items in (h)	£11,847,865	(£12,937,976)
(j) Number of items given an EC licence without reference to the question of national importance because they were valued at below the appropriate United Kingdom monetary limit <sup>2</sup>	3,752	(3,254)
(k) Total value of items in (j) <sup>2</sup>	£618,173,017	(£818,798,741)

1 One application may cover several items.

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

### Cases referred to the Reviewing Committee

40. During the 12 months under review, 21 cases were referred to our Committee because the appropriate expert adviser had objected to the proposed export of the object concerned on the grounds of national importance. Of these, one was withdrawn before it reached the stage of consideration by us. Accordingly, 19 cases were considered at seven meetings, and one case was considered by the Committee through correspondence.

41. Since it may be of interest to examine the variations over a number of years, the following table shows for each of the last six years the total number of works on which a decision was deferred for a period to allow an offer to purchase to be made; the number of works that were not, in fact, exported; and the number of works that were subsequently granted export licences because no offer to purchase was made at or above the recommended fair market price.

Table 2

Reviewing Committee year	(1) Total number of cases considered by Committee during year	(2) Number of cases where a decision on the export licence application was deferred for a period	(3) Number of works in (2) that were not exported	(4) Total value (£) of works in (3)	(5) Number of works in (2) that were licensed for export	(6) Total value (£) of works in (5)	(7) Percentage of cases in (2) where a licence was eventually granted
1993-94	24	18	7	9,079,800	11	17,867,396	61
1994-95	36	29	17	9,368,514	12 <sup>1</sup>	9,126,154	41
1995-96	27	24 <sup>2</sup>	14	6,019,125	10	22,287,294	42
1996-97	29 <sup>3</sup>	25	12 <sup>4</sup>	1,556,602	13	22,731,737	52
1997-98	19 <sup>5</sup>	15	8 <sup>6</sup>	4,292,300	7	18,896,762	47
1998-99	20	17	8 <sup>7</sup>	2,369,910	7	19,396,162	41
Total	155	128	66	32,686,251	60	110,305,505	47

1 Of these, one item has since returned to the United Kingdom.

2 Of these, two applications were withdrawn before a recommendation was made to Ministers, and two after.

3 Including one case where it was found that the object had arrived in the UK within the last 50 years and a licence was issued in accordance with normal policy, and another re-application which was refused.

4 Including three cases where a matching offer was refused and the Minister therefore refused an export licence.

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

6 Including one case where a matching offer was refused and the Minister therefore refused an export licence.

7 Including one case where a licence application was withdrawn.

42. The criteria that the Waverley Committee recommended as a guide in dealing with such cases were:

- i) is the object so closely connected with our history and national life that its departure would be a misfortune?
- ii) is it of outstanding aesthetic importance?
- iii) is it of outstanding significance for the study of some particular branch of art, learning or history?

These criteria were applied in each case.

## Individual export cases

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### Case 1

#### A first-century AD bronze harness-mount

This harness-mount was made of bronze and measured 6.7 x 5.6 cm and weighed 86.8 grammes. Chris Rudd had applied for a licence to export the harness-mount to a purchaser in Japan, whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application was £4,000.

The Keeper of Prehistoric and Romano-British Antiquities at the British Museum, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the harness-mount under the third of the Waverley criteria. He said that the harness-mount was an exceptional example both for its fine condition and for its unique decorative concept. The mount had cast ornament in relief and enamel inlay in red and light blue. At the back were two square loops. The design consisted of a central square featuring a blue enamel quatrefoil surrounded by borders of blue triangles, attached to two square panels and two pointed, lobed ones. The pointed projections were of very plastic form and contained two lentoid recessed areas with an offset pattern of small blue squares, probably originally alternating with red. The square panels had a highly stylized pattern suggesting the large eyes and beak of a bird of prey; there were traces of blue enamel in the outer rings of the circular eyes.

The object had been found at South Cerney, near Cirencester, about four years ago, and was shown to staff at the Corinium Museum, Cirencester. It had remained in private hands, and was said to have changed hands more than once before the application for an export licence was made. It was likely that the piece was manufactured in the West Country, in the region where it was found. The casting was very accomplished, and the piece was in fine condition, with a dark green patina. The South Cerney harness-mount belonged to a widespread class of decorative British 'horse-brasses' of late Iron Age to very early Roman date, and it was therefore possible to set it in a broad cultural and chronological context. These mounts, often colourfully enamelled, were used to embellish the leather straps of horse harness, as indicated by the loops or hooks on their reverse sides. The closest parallel to the present piece was an example published in Kemble, *Horae Ferales* (1863), pl. XIX, 5, an unprovenanced piece said to be in the Uffizi Gallery in Florence. That example had the same generally cruciform shape, but the design and decoration of the South Cerney mount was in every way superior. Above all, the stylized ornithomorphic features, which would undoubtedly have had symbolic significance, might be classed as an outstanding expression of British Iron Age Celtic art in metalwork.

A detailed study and classification of small items of decorative metalwork built up the knowledge of regional and chronological styles and was of great importance to research on British society in the immediately pre-Roman Iron Age. The artistic and technical skills of British Celtic bronze-smiths were acknowledged as exceptional even within the wider European context; this piece was a particularly fine specimen of their work, from a known find-spot, of local manufacture, and of very unusual and handsome design.

We heard this case in July 1998, when the harness-mount was shown to us.

The applicant agreed that the harness-mount was of Waverley standard.

We concluded that the harness-mount satisfied the third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for a period of three months to enable an offer to purchase to be made at or above the recommended price of £4,000. We further recommended that, if at the end of the initial period of three months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further two months.

We were informed by the Corinium Museum, Cirencester, of a serious intention to raise funds with a view to making an offer to purchase the harness-mount. We subsequently learned that the harness-mount had been acquired by the Corinium Museum within the initial deferral period with assistance from the National Art Collections Fund, the Victoria & Albert Museum Purchase Grant Fund and a private donor.

## Case 2

A painting, *The Rev. David Wilkie and his Wife*, by Sir David Wilkie, 1807

This portrait was executed in oil on panel and measured 30.7 x 22 cm. Christie's had applied for a licence to export the portrait to Curtis Galleries Inc., Minneapolis, United States of America. The value shown on the export licence application was £314,662.50.

The Director of Collections at the Tate Gallery, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the painting under the second and third of the Waverley criteria. He said that Wilkie was one of the outstanding British artists of the first half of the nineteenth century and arguably the most influential at home and abroad at that time.

The sitters for the portrait were the artist's parents, the Rev. David Wilkie (1738-1812), minister of the parish of Cults, Fife, and his second wife Isabella, née Lister, whom he had married in 1781. After her husband's death, in 1813, Isabella Wilkie and Helen, the last of her six children, joined the artist in London to keep house for him. Isabella died in 1824. This double portrait was painted in the late summer of 1807 when Wilkie, who had moved to London to further his career, returned for his first visit home. Whether it was painted for the sitters or for his own house was uncertain, but it was certainly later in his possession. Meanwhile in 1813 he had painted a slightly reduced and modified version; this was sent to his brother John in India and remained in the family until acquired by the National Gallery of Scotland in 1958. This Edinburgh picture was a secondary and inferior version, not painted *ad vivum* (the Rev. David Wilkie being already dead) and with accoutrements of furniture and costume borrowed from the painter's London home rather than in his parents' possession.

Wilkie was chiefly important for forging an original synthesis of personal and local experience with the popular and humorous narrative forms of the seventeenth-century Dutch tradition. His pictures largely established the century's bias towards narrative genre. He was a superb draughtsman and highly observant, always rooting his pictures in a play of appropriate actions and expressions studied from life. Thus while

portraiture was not his main field, his output in the field was considerable, and consistently linked to the central concerns of his essentially humane art.

Wilkie's best portraits were the most personal, and that of his parents was not only beautiful but also unique among his early portraits in showing his art at a crucial transitional point. It marked a decisive break from the more demonstrative, painterly handling of Raeburn (the source for his earlier, 1804, group of the Bethume-Morison family in the National Gallery of Scotland and his nearly contemporary self-portrait in the Scottish National Portrait Gallery) and showed a more restrained London style applied to his Scottish subjects. The interior setting was more defined and fitting than in the earlier portraits, and the subtly articulated expressions - Mrs Wilkie looking towards her son with grave affection, her husband studying his Bible and pair of communion cups in acknowledgement of his higher allegiance - showed the painter creating something more than a portrait, in which abstract concerns were addressed, besides the interlocking relationships of the sitters and their son, the painter.

The ability to evoke the profound from the familiar was at the root of Wilkie's narrative art and of its popular appeal; this early portrait was a striking example of that process at work. At the same time its pairing in an interior of seated figures, whose attention was variously engaged, was an early example of a formula that Wilkie later applied directly to narrative subjects or to historicised portraiture - for example Duncan Grey, 1819, in the National Gallery of Scotland, and Washington Irving in the Archives of Seville, 1828-29, in the Leicester Art Gallery. The present picture was a key document for the study of Wilkie's artistic development and for understanding his contemporary appeal and standing. The picture had been described by James Holloway, Director of the Scottish National Portrait Gallery, as a 'masterpiece of Scottish portraiture' - and thus of British portraiture also. It was so, in a distinctive rather than a typical sense, for it owed little or nothing to past and present Scottish prototypes and, by its combination of grave simplicity and deep underlying meaning, actually connected with the wider movement of Romanticism.

The nearest contemporary parallels could probably be found in continental painting (for example in Philipp Otto Runge's portraits of his parents and family) and it was no accident that Wilkie found some of his greatest admirers in Germany. Wilkie's parents were more austere and focused on timeless values than the Edinburgh fashionables and intellectuals of Raeburn's portraits. Wilkie had evidently rejected Raeburn's more flashy style (which for many Scottish contemporaries represented the peak of sophistication) as inappropriate to his parents' character, and his search for a fittingly sober style coincided exactly with the study of Dutch painting now being urged upon him by London patrons like Sir George Beaumont.

Wilkie showed this portrait in his exhibition of 1812, an important and at the time controversial chapter in the history of the one-man show. It confirmed the sober and provincial origins of an artist now demonstrating his metropolitan success. While most of the works included were of narrative genre, and the most important were safe in public collections - *The Blind Fiddler* and *The Village Festival* being in the Tate Gallery and *Pitlessie Fair* in the National Gallery of Scotland - this portrait stood out as exceptional and in marked contrast to the other double portrait shown, *Maria, Marchioness of Lansdowne and her Maid* in the National Gallery of Ireland. Although numerous Wilkie portraits were in public collections, many were much later and from the official phase of his career as a painter for the court, for example the portraits of George IV and William IV in the Royal Collection and of Queen Victoria in the Lady Lever Art Gallery. This picture remained a unique and distinctive work, comparable only with its own secondary version but of superior aesthetic and historical importance.

We heard this case in August 1998, when the portrait was shown to us.

The applicant agreed that the present picture was one of Wilkie's finest portraits. However, the applicant stated that many of Wilkie's important early works were in public collections and were therefore accessible for study. The second version of the portrait was also in a public collection.

We concluded that the painting satisfied the second and third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at or above the recommended price of £314,662.50. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further three months.

At the end of the two-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.

### Case 3

Three paintings, Mr William Brooke, Mr William Pigot and Mrs William Pigot, by Joseph Wright of Derby, c. 1760

These portraits were executed in oil on canvas and measured 125 x 100 cm. Mallett and Son (Antiques) Ltd had applied for a licence to export the portraits to Mallett, c/o Martyn Cook Antiques, Australia. The value shown on the export licence application was £270,000.

The Director of Collections at the Tate Gallery, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the portraits under the first and third of the Waverley criteria. He said that the three works were of major importance for local history, particularly the political and cultural history of mid-eighteenth-century Doncaster. They were also excellent examples of the early work of Wright of Derby, one of the outstanding masters of painting in the period. Portraits of the mercantile and political classes in eighteenth-century Doncaster were extremely rare. These portraits of Mr and Mrs William Pigot and William Brooke, executed by a major artist, were therefore of unique importance for the visual representation of the town's former inhabitants.

All three sitters were figures of consequence in Doncaster society, William Brooke especially so. Born in 1694, he was Mayor of Doncaster four times and Alderman from 1733 until his death. He was also a prosperous mercer dealing in fine fabrics and textiles, of which the rich velvets, lace and silks in the portraits were evidence. Brooke's daughter Elizabeth married William Pigot in 1756, the son of the Vicar of St George's, Doncaster, the town's principal church. His father took an active role in the public life of the borough, being admitted Freeman in August 1732. All three were commemorated by monumental inscriptions in St George's church, destroyed by fire in 1853.

These were the only portraits to have been painted by Wright in Doncaster. Documentary evidence in Wright's sitter list and Account Book pointed to them having been commissioned as a group by William Pigot in the spring of 1760. They

afforded an important insight into the social and economic aspirations of the sitters, who were presented as affluent members of Doncaster's polite society. Wright had recently returned to the Midlands from London, having completed his training in the studio of the leading society portrait painter there, Thomas Hudson. Almost immediately he set out on a tour of Midland towns, reaching Doncaster in 1760.

All three works were excellent examples of Wright's early work, the portrait of William Brooke being of especial aesthetic merit. The portraits were also key works for the study of the development of Wright's style, from that under Thomas Hudson's formal training in London until 1757, to his own individual manner. All three bore marked traces of Hudson's influence in the treatment of drapery, pose and decorative detail. In two cases the influence was direct. The elaborate table corner in the portrait of William Pigot was based on Wright's study of that in Hudson's portrait of Charles Pinfold, 1756; and Elizabeth Pigot's pose was derived from Wright's study of Hudson's Elizabeth Cartwright, 1755-57. The study drawings themselves, in black and white chalks, formed part of the important Joseph Wright Archive, a collection of studio drawings acquired by Derby Museum and Art Gallery in 1995, which gave a unique visual insight into the training of an eighteenth-century portrait painter.

The portraits of Mr and Mrs William Pigot illustrated to great effect Wright's use of these studies in the formulation of his early independent works; and all three demonstrated very effectively Wright's translation of Hudson's style to his more down-to-earth Midlands sitters. Mr and Mrs Pigot and William Brooke had a certain cosmopolitan elegance, yet at the same time they were portrayed with little flattery and great honesty as to character. The Joseph Wright Archive also contained a body of studies that Wright owned and made use of, but which originated in the studio of Allan Ramsay. Two of these, both studies of a gentleman seated at a table, datable to 1744, were clearly related to Wright's Mr William Brooke. The link between the studios of Ramsay and Hudson, and the implications for Wright, was a significant subject demanding further scholarly research. All three works retained their original rococo frames, designed by the Huguenot craftsman John Dubourg, who was the artist's principal framer at this time. Their survival greatly enhanced the aesthetic appearance of the works as well as their historical importance.

We heard this case in August 1998, when the portraits were shown to us.

The applicant did not contend that the portraits met the Waverley criteria.

We concluded that the portraits satisfied the third of the Waverley criteria. However, the applicant's submission to us indicated that the portraits had been offered to the Doncaster Museum at a price of £215,000 rather than the value stated on the export licence application, which was £270,000. We considered the two values to decide on a fair market price. We concluded that the fair market price should be £215,000 and this was agreed by the applicant. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at or above the recommended price of £215,000. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further four months.

We were informed by Doncaster Museum and Art Gallery of a serious intention to raise funds with a view to making an offer to purchase the paintings. A decision on the export licence application was deferred for a further four months.

We subsequently learned that the portraits had been acquired by Doncaster Museum and Art Gallery with assistance from the Heritage Lottery Fund, the Victoria & Albert Museum Purchase Grant Fund, the National Art Collections Fund (in respect of the portrait of William Brooke), a local fund-raising appeal, Doncaster Museum purchase funds and Doncaster Metropolitan Borough Council.

#### Case 4

A painting, *The Meritorious Officer*, by Tilly Kettle, c.1770

This portrait was executed in oil on canvas and measured 214 x 134 cm. Mallett and Son (Antiques) Ltd had applied for a licence to export the portrait to Mallett, c/o Martyn Cook Antiques, Australia. The value shown on the export licence application was £450,000.

The Director of Collections at the Tate Gallery, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the portraits under the first, second and third of the Waverley criteria. He said that this portrait was an outstandingly fine and evocative military image of the British in India in the mid-eighteenth century, a period of crucial significance for the history of the British Empire. It was one of the finest works by Tilly Kettle, the first British portrait painter of consequence to travel to India.

The mid-eighteenth century was a period of major consequence for the history of the British in India. It witnessed the evolution of the East India Company from a trading power contained within its fortified factories in the Moghul empire to a territorially expansionist political ruling force. Its success paved the way for Britain's eventual dominance in India. Tilly Kettle's portrait was a commanding image of the East India Company's commercial and political dominance and the military means through which this was achieved. The officer (whose identity was not known, but from his uniform appeared to be an infantry staff officer) stood proudly in the foreground, the sepoy battalion under his command in the distance, encamped among the palm trees. It was an image, inspired by the military supremacy of the Company in the 1770s, which no other military portrait of the period in any way approached.

Tilly Kettle was of undoubted significance for the history of British art in India: he was one of the most gifted portraitists to have worked there, and the first to do so. He arrived in Madras in 1769, a decade and a half before Zoffany, and he remained there making a successful living painting society figures, including the Nawab of Arcot and officers and servants of the East India Company. In 1771 he moved to Calcutta, along with Madras, one of the main Presidency cities. From there he travelled to Faizabad, where he was employed by the Nawab of Oudh, painting images of him and his court. He returned to Calcutta in 1772-73, by which time it had become the principal city of British India, where he remained until his departure for England in 1776.

This work was one of great aesthetic quality, and was a portrait of remarkable characterisation. It was also one of the finest military images to have been produced in eighteenth-century India. It was one of the few Kettle portraits from this period still in this country. The majority of his most compelling Indian works were already in foreign public collections. Although a highly individualised portrait and one that described military uniforms with great clarity, definitive identification of the sitter and uniforms had so far not been possible. However, the history of early uniforms worn in India was a

complicated one, made more so by the paucity of information and the frequency with which uniforms changed. This portrait therefore acted as important documentary evidence for uniforms of the 1770s.

Recent identification of the sitter as Major-General Horton Briscoe, in the uniform of the Governor-General's Bodyguard, could not be substantiated as there was no evidence for the uniform of the bodyguard before 1778, and then it was much plainer than that depicted in the portrait. The bodyguard was a cavalry unit, but Kettle's officer appeared to be of the infantry, as his crimson sash was worn over the right shoulder whereas cavalry officers wore them over the left. As a depiction of an infantry officer and one who possibly served in Bengal, the picture was a document of great importance. Infantry officers, being of lesser status than cavalry officers, were less usually depicted in ambitious portraits such as this. As such, it was a rare documentary survival. Kettle's image stood as an excellent illustration of the fruits of personal ambition available in the East. In this respect it reflected an important aspect of British cultural and social history. With Clive's military victories, India had become very much a part of British political and social consciousness. This picture represented with great effect the military and social culture of eighteenth-century British India.

We heard this case in August 1998, when the painting was shown to us.

The applicant did not contend that the portraits met the Waverley criteria.

We concluded that the portrait satisfied the first, second and third Waverley criteria. However, the applicant indicated that the portrait had been offered to the National Army Museum at a price of £300,000 rather than the value stated on the export licence application, which was £450,000. We discussed the two values to decide on a fair market price. We concluded that the fair market price should be £300,000 and this was agreed by the applicant. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at or above the recommended price of £300,000. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further four months.

At the end of the two-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.

## Case 5

A silver soup tureen, cover and liner: tureen and cover by Paul de Lamerie and liner by Paul Crespin, London, 1736

This soup tureen measured 31.5 x 35.5 cm. Anthony Marks of Marks Antiques had applied for a licence to export the tureen to the United States of America. The value shown on the export licence application was £750,000.

The Curator of Metalwork, Silver and Jewellery at the Victoria & Albert Museum, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the soup tureen under the second and third of the Waverley criteria. She said that this was an English silver tureen that was an outstanding example of its type, richly worked, containing auricular and rococo motifs. It provided conclusive

visual evidence of the immediacy of the transmission of style from France at the highest levels of the English trade as demanded by the most fashionable patrons of the day. No comparable tureens were held in public collections in the United Kingdom.

The tureen had four dolphin feet and was of compressed pot-à-oille form with richly chased basketwork and applied decoration of game, vines, shells and crayfish with a later cauliflower finial. It was engraved in the 1790s with the armorials of William Drury, with additional arms of Lowe as assumed in 1790, and his wife Ann Steer. Full London hallmarks for Britannia silver, 1736-37 were on the tureen and cover with the mark of Paul de Lamerie on the base of the tureen. The design of the tureen, incorporating elements novel in France only a few years earlier, confirmed that it was at the very forefront of taste in England. It was an important visual record of the transference of style, combining features from the seventeenth century, auricular handles, and of the Regence, basketwork and baroque winged cartouche, with the most up-to-date naturalistic motifs of applied crayfish, which paralleled those in Meissonier's *Livre des Légumes*, Paris, 1734. The fowl, game, mutton and vegetables on the cover reflected the purpose for which the tureen was intended, a device that copied French designs, and one which de Lamerie used more elegantly than other English goldsmiths.

While it was not surprising to find evidence of Meissonier's influence in England by 1736, the general form and some of the decorative details of the tureen resembled an engraving in the first volume of Vincent La Chapelle's *The Modern Cook* (London, 1733). The author, described as chief cook to the 4th Earl of Chesterfield, included another engraving in the second volume of a 'terraine or Olio', which was very close to a number of surviving examples in silver (ranging in date from the mid-1720s-30s) by Thomas Germain (1673-1748). In 1996, Christopher Hartop speculated that these engravings represented silver owned by the 4th Earl of Chesterfield, although there was as yet no firm evidence to substantiate this.

The tureen was decorated with the arms of Drury-Lowe impaling Steer for William Drury-Lowe of Denby, and Locko Park, Derbyshire. Formerly William Drury, a merchant in the city of London, he married Anne Steer of Burton Latimer, Northamptonshire. William Drury assumed the additional name and arms of Lowe in July 1790 upon inheriting the Lowe estates from Richard Lowe, a wealthy woollen draper and banker. The tureen was first mentioned in Mr Drury-Lowe's inventory of the plate in 1797. The ownership of the tureen before 1797 had yet to be discovered. Its later finial, an unmarked crowned lion and engraved coat of arms, dated from about 1800.

Two forms of tureen, for soup or broth and for stew respectively, emerged at the end of the seventeenth century. The shape which evolved from the pot-à-oille (a utensil for serving a Spanish stew of meat, vegetables and herbs) had a deep round bowl on feet and with two handles. Designed to serve the Spanish stew or olla-podrida reputedly introduced at the court of Louis XIV, the vessel for pot-à-oille became popular at other European courts after 1700. The earliest reference to a tureen or 'toureene' in England could be found in the silver issued to Lord Galway as Ambassador to Portugal in 1708. Sets of tureens were of primary importance on the grandest dining tables of the early eighteenth century, second only to the centrepiece or epergne. A functional object, but one that played an important part in the theatrical display of the dinner table, the tureen was a heavy and costly item.

Paul de Lamerie (1688-1751), arguably the leading Huguenot goldsmith of the period,

supplied wealthy and important clients from the Jewel House to major aristocratic patrons such as Algernon Coote, 6th Earl of Mountrath, Sir Robert Walpole and the 4th Duke of Bedford. His innovative silver in the Rococo style found favour abroad and its quality and style were the highest expression of English workmanship in silver. This tureen was a collaboration between de Lamerie and Paul Crespin, an exceptional goldsmith in his own right. The liner supplied by Crespin for the Drury-Lowe tureen was of fine quality with bird's head handles, and its survival added to the importance of the object. Contemporary liners were extremely rare and the liner for the pair to this tureen had not survived.

We heard this case in September 1998, when the tureen was shown to us.

The applicant agreed that the tureen was of exceptional importance and did not disagree that it met the Waverley criteria.

We concluded that the tureen satisfied the second and third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for a period of three months to enable an offer to purchase to be made at or above the recommended price of £750,000. We further recommended that, if at the end of the initial period of three months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further three months.

At the end of the initial three-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.

## Case 6

A manuscript, The Burdett Psalter, 1282-86

This illuminated manuscript was executed on vellum. Sotheby's had applied for a licence to export the manuscript to Sotheby's, Geneva, Switzerland. The value shown on the export licence application was £2,751,500.

The Manuscripts Librarian at the British Library, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the manuscript under the first, second and third of the Waverley criteria. She said that the production of this Psalter was the point of some debate and in need of further study, but that elements of the illumination and script seemed to have been produced mainly in northern France but also in England.

François Avril had identified the book's accomplished artist as the so-called Méliacin Master, one of the leading book painters in Paris in the final decades of the thirteenth century. The text, however, displayed little in the way of French features other than perhaps the feasts of the Crown of Thorns and the Exaltation of the Holy Cross, both of which might be expected to appeal to a patron whose order preoccupied itself with regaining the relics and holy places of Christ. Although the text was altered to accord with Sarum use after reaching England, the original saints mentioned pointed rather to an English interest, featuring Thomas Becket, Edward the Confessor, Edmund, King of East Anglia, and Archbishop Edmund Rich. The script of the original text was possibly

also the work of the English scribes and an added page of drawings of saints, which completed the programme of illumination, was again by an English hand related to work of the early fourteenth century.

The possibility of an Anglo-French collaboration in production needed to be examined more closely. Indeed, the interaction of influences and the Hospitaller connection had led some scholars to suggest that the commission may have started in the Holy Land. It was not unknown for books to travel during production at this period, and such complex and culturally mixed works were of the utmost interest in understanding the spread of ideas and artistic influences. The Hospitaller for whom this book was intended could have come from any European nation, although the indications were of a French or English origin.

Whatever the original circumstances of the production, the book was certainly part of English life by around 1300, within 15 years or so of its making. It was available as a source of inspiration to subsequent English artists at an important period of English illumination, in a region that produced some of the most significant works of art and patronage of the Middle Ages. Its owner, Denise de Munchensy, was known as a patroness of learning and as founder of the Franciscan convent at Waterbeach, near Cambridge. Another lady whose obit was recorded, M. de Crek, similarly founded an Augustinian convent at Flixton, Suffolk. These notable owners, and others commemorated, were all associated with East Anglia and moved in the same social circles. They were also well connected outside the region. The book remained in England for the rest of its history. By the early seventeenth century it had passed into the hands of Anthony Hutton, a master of the High Court of Chancery, thence to his sister-in-law, Jane Burdett. It remained in the Burdett family until its recent sale. It was rare for such a volume to have so long and well documented an English provenance and consequently it was of great importance to the history of book collecting in Britain.

We heard this case in September 1998, when the manuscript was shown to us.

The applicant contended that the Psalter was made in France, by an identifiable Parisian illuminator, for a French owner, Jean de Villiers, Grand Prior of the Order of Knights Hospitaller of St John. The book had been in this country from the early fourteenth century, but its provenance did not make it of outstanding importance to the history or national life of this country. The applicant stated that the quality of the illuminations was good but not outstanding and that the Psalter only contained five complete pages of illuminations compared to other Psalters in public collections, which had dozens. The applicant further stated that the Psalter, although undoubtedly of interest, like all medieval books, was not of outstanding significance for study.

We concluded that the Psalter satisfied the second and third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for a period of three months to enable an offer to purchase to be made at or above the recommended price of £2,751,500. We further recommended that, if at the end of the initial period of three months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further three months.

At the end of the initial three-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.

Case 7

A painting, *The Destruction of the Temple of Jerusalem*, by Nicolas Poussin, 1625-26

This painting was executed in oil on canvas and measured 145.8 x 194 cm. Hazlitt, Gooden and Fox Ltd had applied for a licence to export the painting to the Israel Museum, Jerusalem. The value shown on the export licence application was £4,500,000.

The Director of the National Gallery, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the painting under the second and third of the Waverley criteria. He said that the subject of this painting was the destruction of the second temple in Jerusalem in AD 70. This event was recounted by Flavius Josephus (AD 37 to after AD 93), in his *Wars of the Jews* (IV-V). After a series of bloody engagements between the Romans and the Jews, a Roman soldier set fire to the Temple. Titus hastened there to have the fire put out 'both by calling to the soldiers that were fighting, with a loud voice, and by giving them a signal with his right hand...But they did not hear what he said...nor did they attend to the signal he made...as still some of them were distracted with fighting, and others with passion.' The Temple was destroyed and great plunder taken from it.

This painting was recognised in 1995 by Sir Denis Mahon as being probably the first version of the subject of the *Destruction of the Temple of Jerusalem*, which Poussin painted for Cardinal Francesco Barberini (1597-1679). Its subsequent cleaning had confirmed Sir Denis's view, which was now generally shared by Poussin scholars. A second version of the subject, commissioned by Francesco Barberini in 1638, was now in the Kunsthistorisches Museum, Vienna. Although the painting was in some places worn, it contained some very fine passages, particularly the figures at the lower left and the figure of Titus on his white horse.

The painting was of great significance for the study of Poussin. Although the United Kingdom was rich in works by Poussin, there were few of the paintings here dating from the crucial early years in Rome, which might be tentatively defined as from 1624, when he arrived there, until the completion of the *Germanicus* in early 1628, when he could be said to have become established. Moreover, none of the early paintings in this country were on the scale or of the complexity of this one. This first version of the *Destruction of the Temple* clearly showed Poussin's early interest in archaeologising details, such as the large candlestick derived from a relief on the Arch of Titus in Rome. The picture made clear in a particularly graphic way both Poussin's early gaucheness and the astonishing rapidity with which his art subsequently developed. It was also especially appropriate that students in the United Kingdom, where there had been a long and rich tradition of Poussin scholarship, should have ready access to the fuller understanding of the artist that the presence of this painting would bring.

We heard this case in September 1998, when the painting was shown to us.

The representative of the applicant agreed that the painting met the second and third of the Waverley criteria. However, the applicant requested that the Committee take into account the significance of the painting's subject, the destruction of the Temple of Jerusalem, in relation to its proposed export to the Israel Museum in Jerusalem.

We concluded that the painting satisfied the third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be

deferred for a period of three months to enable an offer to purchase to be made at or above the recommended price of £4,500,000. We further recommended that, if at the end of the initial period of three months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further three months.

At the end of the three-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.

## Case 8

An early nineteenth-century ebony, lapis lazuli and gilt-bronze coffer on stand, containing a Berlin tea service

This coffer was executed in ebony, lapis lazuli and gilt-bronze and measured 122.5 cm high, 86cm wide and 70cm deep. John Hobbs Ltd had applied for a licence to export the coffer, stand and tea service to a purchaser in the Bahamas, whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application was £1,580,000.

The Curator of Furniture and Woodwork at the Victoria & Albert Museum, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the coffer and tea service under the second and third of the Waverley criteria. He said that the coffer, stand and tea service had been made between 1803 and 1813 and supplied by Robert Hume to George Watson Taylor (1771-1841) for Erlestoke Park, Hampshire. Erlestoke Park was bought in 1820 for £150,000 by the Taylor Trustees. However, financial difficulties led to a sale of items from the house in 1832 and, thanks to the very detailed catalogue produced by George Robins, it was possible to form a vivid impression of the collection.

Watson Taylor's collection was a remarkable accumulation that provided masterpieces of painting and the applied arts for a host of later collections. It said much for its quality and scope that material from it was now in the National Gallery, the Louvre, the Getty Museum, the Victoria & Albert Museum and the British Royal Collection. The coffer on stand under review, together with seven other pieces similarly decorated with hardstone, had stood in the North Drawing-room. Two of the eight pieces were tables decorated with Florentine micro-mosaic plaques of landscapes and classical ruins, which perhaps explained why the Berlin service – decorated with fictive micro-mosaic pictures – was kept in this room. Another piece was a writing table with a 'fine mosaic slab exhibiting 180 specimens of various marbles.'

The remaining five pieces, which had all been traced, appeared to share a common maker, Robert Hume, and commissioner, George Watson Taylor. These pieces were a pair of console tables, composed of ebony, with scroll legs of beautiful form and design, now in the Fine Arts Museums of San Francisco, a pair of 'very magnificent' ebony cabinets now in an American private collection, and the coffer on stand. On all five pieces, the seventeenth- and eighteenth-century hardstone panels showed similar ormolu frames, suggesting a common manufacturer. Other stylistic similarities between the mounts endorsed this view. As all the pieces were undoubtedly of contemporary manufacture, it was reasonable to look for one maker. Robert Hume, who acknowledged that he was the maker of the console tables at the sale, was therefore in all probability the maker of the entire group.

While the practice of re-using older pietra-dura panels in eighteenth-century France had long been studied, the imitation and continuation of this practice in England had not been subject to the same scrutiny. It was likely that Hume and Watson Taylor were leading players in this story and that the North Drawing-room at Erlestoke Park was the outstanding example of this aspect of British early nineteenth-century taste. Hume was now emerging as a major figure in the decorative arts of the day. He appeared to have concentrated on the production of extremely expensive pieces where superb metalworking skills were of paramount importance. The spectacular Erlestoke suite of hardstone furniture suggested that our views about the range and quality of the metalwork that could be made in London in the 1820s needed fundamental review. The casting and modelling of this piece – of the lion monopods, for instance – were of exceptionally high quality. This suite, while paying homage to the art of pietra-dura as one of the supreme achievements of French and Italian craftsmen, at the same time celebrated the skills of London craftsmen of the 1820s. As the last piece of the suite left in Britain, the coffer on stand was not only essential for the study and appreciation of the achievements of furniture-making in Britain in the 1820s but also an illuminating example of George Watson Taylor's important collection. It should furthermore be regarded as one of the masterpieces of British furniture of its time.

We heard this case in September 1998, when the coffer, stand and tea service were shown to us.

The applicant stated that this was a superlative, world class piece but did not comment on whether it met the Waverley criteria.

We concluded that the coffer, stand and tea service satisfied the second and third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for a period of three months to enable an offer to purchase to be made at or above the recommended price of £1,580,000. We further recommended that, if at the end of the initial period of three months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further three months. The applicant stated that they would donate £100,000 to any fund set up by a public institution that showed an intention to purchase the item.

At the end of the initial three-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.

## Case 9

A manuscript letter from Charlotte Brontë to Ellen Nussey, 1840

This manuscript letter to Ellen Nussey was autographed by Charlotte Brontë. Cadogan Tate Ltd had applied for a licence to export the letter to a purchaser in the United States of America, whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application was £71,047.50.

The Manuscripts Librarian at the British Library, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the letter under the first and third of the Waverley criteria. She said that Charlotte Brontë (1816-1855) was one of the nation's best-known and best-loved writers. Her novels were classics of

English literature, widely read, taught, dramatised and filmed. Her life, together with those of her siblings, had also inspired passionate interest and had been the subject of numerous biographical studies. Her surviving letters, the main source of information about the lives of the Brontë family, were much sought after, studied and exhibited.

The present letter, written to her most intimate friend Ellen Nussey, was a long and detailed discussion of love, passion and marriage, key themes of her novels and central issues in her own life. Written in her early twenties, when she was considering the likelihood or otherwise of her own marriage and becoming conscious of her literary powers and her capacity for passionate feeling, it showed a vehement concern for the plight of the woman who was 'left to love passionately and alone', and recommended marriage based on respect gradually turning to affection. It thus pre-empted both the unrequited love affair that formed the basis of her last novel *Villette* and her eventual marriage to Arthur Bell Nicholls. In acknowledging herself 'the Slave of Feeling' and paying tribute to the primacy of the emotions, she still strove to temper these with reason and realism, which was the central struggle of her life and work.

Some sentences from the letter were already famous and frequently cited, even though their source had long been lost to sight. Ellen Nussey showed the letter to Charlotte Brontë's earliest biographer, Elizabeth Gaskell, and made a 'censored' version available to the editor Horsfall Turner. Neither, however, quoted it in full and the manuscript was untraced by Margaret Smith, the most recent editor of Charlotte Brontë's letters. It had now come to light and proved to contain lengthy unpublished passages, amounting to about 280 words. For the first time there was the possibility of making the complete original letter available to scholars, so that the new material could be assessed and those passages already known interpreted in their full context.

Because of the interest amongst collectors from the nineteenth century onwards, many Brontë letters had already found their way into overseas collections. But substantial numbers did remain in repositories in this country, notably at the British Library and at the Brontë Parsonage Museum at Haworth. The latter was both 'a centre of scholarship and a shrine for devotees', and held 13 letters from Charlotte Brontë to Ellen Nussey.

The very strong interest that the many visitors to the Brontë Parsonage Museum and to the British Library's exhibition galleries showed in original Brontë manuscripts and the requests from special interest groups to view those not on permanent display were a testimony to the power of the original documents, even in cases where their contents had been fully reproduced. This newly rediscovered original deserved to be kept where it could be displayed and studied in its most appropriate context.

We heard this case in September 1998, when the letter was shown to us.

The representative for the applicant did not contend that the letter met the Waverley criteria.

The Committee concluded that the letter did not satisfy the Waverley criteria and therefore recommended that an export licence should be granted.

Case 10

A *Manuale* by Wynkyn de Worde for John Gaschet and Jacques Forreboix, 1509

This *Manuale* was printed in Latin and English and measured 24.4 x 17.5 cm. Christie's

had applied for a licence to export the Manuale to H P Kraus Inc. New York, United States of America. The value shown on the export licence application was £67,500.

The Librarian of the British Collection 1501-1800 at the British Library, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the Manuale under the first and third of the Waverley criteria. He said that Wynkyn de Worde's Manuale of 1509 was produced at the end of the incunable period, when momentous changes were taking place in the availability of texts through the invention of printing and the spread of printing presses throughout Europe. De Worde had taken over William Caxton's press in Westminster Abbey in 1491, before moving to Fleet Street in 1500. It was there that he printed the Manuale for the York stationers, John Gaschet and Jacques Forreboix, on 9 February 1509.

The Manuale was essentially an instruction or 'hand book' for clergymen on how to perform the services and conduct the teaching connected with the sacraments. Among these were services for some of the most important events in human life, with the services for baptism, marriage and burial. The text was predominantly in Latin and revealed itself to be specifically for the use of York. It included in the litany saints with Yorkshire connections, such as Everilda, Hilda and Wilfred, from which it was clear that the Manuale was designed for use by a clergyman carrying out his pastoral duties in the diocese of York. It was known that there were seven copies of the Manuale in existence, four of which were in national libraries in the United Kingdom, two of which were in the United States of America, and the present copy. Any one of the four copies in this country could be consulted if access to a copy was required for any study connected with the unannotated text.

This copy of the Manuale did, however, present two features that made it unique among the copies extant in this country. First, it bore the stamped arms of the Wentworth family on its front cover and had a 'W' as the second of two initials at the top of leaf a i recto. It may have been in the possession of the Yorkshire branch of the family from very early times and was possibly owned by Thomas Wentworth, 1st Earl of Strafford, or his father. Second, and of considerable importance, was the fact that the text had been closely annotated and corrected by a scholarly hand, and deletions updated and adapted the use of the Manuale from pre-Reformation to post-Reformation York use.

The survival of the work confirmed a local conservatism in the York diocese where the more destructive of the articles and injunctions issued (for example, at the visitation of Archbishop Grindal in 1571, regarding the destruction of all books relating to the pre-Reformation Latin church) appear to have been quietly ignored. Along with other extant York service books, for example the York Missale printed in Rouen for John Gaschet of York in 1516, the Manuale was not destroyed. Instead, its Latin services had been assiduously amended by hand to delete any reference to the Pope or the papacy.

A microfilm of the Wentworth Manuale could not be an adequate substitute for any detailed comparison of Wynkyn de Worde text types, which could further establish the important links between Wynkyn de Worde and the early spread of printing to York, and it could never be a replacement for the physical, geographical and spiritual connections associated with this unique copy of the Manuale and its place in the York diocese during one of the most turbulent periods in the religious history of this country.

We heard this case in September 1998, when the Manuale was shown to us.

The representative for the applicant contended that the Manuale was not unique. There were four other copies of this Manuale available for study in public collections in the

United Kingdom. The annotations on this copy were made for contemporary use by an anonymous owner. The book was therefore not connected with any identifiable person from our national history. The book had been part of the Wentworth library collection which, however was now widely dispersed both in Britain and abroad. Any attempt to recreate or even list the library at this date would be futile. It was therefore not connected with the study of this collection or with the history and national life of this country.

The Committee concluded that the Manuale did not satisfy the Waverley criteria and therefore recommended that an export licence should be granted.

#### Case 11

##### A gilt-bronze figure of St John the Evangelist, c.1180

This figure was in gilt-bronze and measured 9.2 cm in height. Christie's had applied for a licence to export the figure to Cosmotrans SA, Switzerland. The value shown on the export licence application was £95,000.

The Keeper of Medieval and Later Antiquities at the British Museum, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the bronze figure under the second and third of the Waverley criteria. He said that this gilt-bronze figure, which had lost most of its gilding, represented St John the Evangelist. He was shown with his head resting in his right hand and a gospel in the crook of his left arm, in the attitude of grief in which he was normally found as part of the Crucifixion to the left of Christ. The figure, solid cast, was fully modelled in three dimensions, its back as carefully finished as the front. The gilt-bronze figure was found by chance during ploughing in 1972 on Cansell Green Farm, some nine miles south-west of Bury St Edmunds. There was no monument in the vicinity of the find place, nor was there any site recorded with which the find might be associated.

The outstanding aesthetic importance of the figure was shown by the quality of the modelling of the bronze casting. The style of the figure related it to the art of the Mosan region, the area of Lower Lorraine along the river Meuse with the cathedral city of Liège at its centre. The Mosan style, as it was known, was first fully formed by Renier of Huy in his famous bronze casting of figures softly modelled in a rhythmic contrapposto stance with rather large rounded heads and close cap-like hair.

This fine figure of St John was likely to have been part of a Crucifixion group, balancing a figure of the Virgin on the other side. Both figures were likely to have been secured to outward curving foliate branches. The piece was a very high quality casting. However, as a result of its burial, the figure was pitted on the surface, which detracted from its aesthetic quality.

The figure was of the highest importance for the study of English Romanesque metalwork art and the relationship between it and the art of the Mosan region. In the twelfth century, influence from the area of the river Meuse had a great effect on the art of England. At the great Benedictine Abbey of Bury St Edmunds the strength of this influence could be illustrated by the work of one Master Hugo, who was generally accepted as identical with the artist of the Bury Bible. This Bible had affinities with the art of the Lorraine area and it was likely that Hugo received his training there. Bury St Edmunds was also a major centre of metalworking in the twelfth century and was also strongly influenced by the latest continental art styles.

In his discussion of the figure in his entry in the English Romanesque Art catalogue for the major exhibition at the Hayward Gallery in 1984, Neil Stratford was undecided whether this figure was produced in England or north-western France. While noting that Lasko had 'plausibly suggested that the artist was an Englishman adapting a Mosan model', he went on to comment:

The Rattlesden St John could also be an import. Nevertheless, its presence in Suffolk, whether due to patron or artist, bears witness to contemporary English admiration for Mosan metalwork. The fact that the figure cannot be attributed with certainty to one or other side of the Channel only serves to underline the artistic unity around 1180 of the 'so-called Channel School'.

Its outstanding importance for the study of the subject was shown by the difficulty of deciding where this remarkably sophisticated figure was made and, above all, for the importance of the occurrence of a Mosan piece of work in England, particularly in a major area for twelfth-century metalworking. It demonstrated the influence of Mosan art on English metalwork.

We heard this case in September 1998, when the figure was shown to us.

The representative for the applicant contended that the aesthetic importance of the figure was compromised because it was extremely corroded around the face and on its back especially. The figure of St John was a small element of a much larger artistic ensemble, the origins of which were now untraceable. Another, much more complete, example of this sort of crucifix with flanking figures of the Virgin and St John on foliate branches was on display in the Victoria & Albert Museum. There were also other items of Romanesque metalwork attributed to English workshops that were in better condition and available for study purposes.

The Committee concluded that the figure satisfied the second and third of the Waverley criteria. It therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at or above the recommended price of £95,000. It further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further three months.

We were informed by Ipswich Borough Council Museums and Galleries of a serious intention to raise funds with a view to making an offer to purchase the figure. A decision on the export licence application was deferred for a further three months.

We subsequently learned that the figure had been acquired by Ipswich Borough Council and St Edmundsbury Borough Council jointly with assistance from the Heritage Lottery Fund, the National Art Collections Fund, and local fund-raising appeals by Ipswich and St Edmundsbury Borough Councils.

## Case 12

A lady's secretaire by Thomas Chippendale, 1773

This lady's secretaire was veneered in Chinese lacquer panels and measured 136 cm high, 86 cm wide and 43 cm deep. Gander and White had applied for a licence to

export the secretaire to a purchaser in the United States of America, whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application was £650,000.

The Chief Curator of Furniture and Woodwork at the Victoria & Albert Museum, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the secretaire under the second and third of the Waverley criteria. He said that the magnificent secretaire was associated with one of the most important houses of the eighteenth century, Harewood House, Yorkshire. There was strong circumstantial evidence that it was the secretaire that the cabinet-maker Thomas Chippendale supplied to the owner of Harewood, Edwin Lascelles, as 'A Lady's Secretary vaneer'd with your own Japan with additions of Carved Ornaments &c japann'd & part Gilt, the front of the Secretary to rise with Balance Weights'.

The secretaire was part of a larger group of japanned and lacquer furniture supplied by Chippendale for the State Bedroom at Harewood. The secretaire was of a beauty and quality characteristic of Chippendale's best work. Its association with Chippendale's commission to furnish Harewood House for Edwin Lascelles was significant, because this was the most valuable commission of Chippendale's career. It had been estimated that the firm's total contract for this commission exceeded £10,000. For Harewood, Chippendale supplied his full range of goods, marquetry, fine carved and gilded wood, upholstery and japanned pieces.

The lady's secretaire epitomised contemporary taste for French fashions in furniture. The technique of veneering cabinets with Oriental lacquer was characteristic of the work of the French ébénistes, but rarely used in England. It was also French practice for patrons to provide their own lacquer. Furthermore, Harewood was the only firmly documented commission for which Chippendale supplied furniture incorporating Chinese lacquer, although he frequently catered to the aesthetic by providing japanned pieces. The combination in this commission of the disciplined, rectilinear shapes devised for the fashionable Neoclassical style with the decorative combination of black lacquer with gilt-bronze mounts, indicated that Chippendale closely followed Paris fashions in furniture.

The use of Chinese lacquer with japanned borders drew on the English interest in chinoiserie which was characteristic of the Rococo but the giltwood borders decorated with western architectural ornament provided a subtle neoclassical framework. The character of the Chinese lacquer on this piece was remarkably similar to that on the Osterley Park House secretaire recently acquired by the National Trust, suggesting that the panels originally came from the same source – probably a large Chinese export lacquer screen that was cut up and used as veneer. If, as Chippendale's bill implied, the lacquer screen originally belonged to Lascelles, it would seem that Chippendale used the remaining lacquer as veneer for similar pieces of furniture for another patron. If so, and stylistic evidence supported this theory, the Harewood secretaire was the earlier of the two and probably inspired the later commission. The joins in the lacquer veneer, as on the Osterley piece, were ingeniously concealed by japanned detail that imitated the original. This secretaire was in even better condition than the example recently returned to Osterley. It retained its interior fittings including the original handles – unlike the marquetry secretaire at Harewood, which had lost the three drawers from the lower section. The balance weight mechanism of the fall front was an unusual feature in English cabinet-making of this date, and reflected contemporary French practice.

The secretaire was of great importance to Chippendale studies and especially to the understanding of his knowledge of contemporary French cabinet-making techniques

and fashions. The fact that it answered to the description in the 1773 Chippendale bill for furnishing Harewood and was similar to the marquetry secretaire that remained at that house was sufficient to prove the attribution to Chippendale. It was the 1773 Chippendale bill to Lascelles that demonstrated in 1995 that the similar secretaire, now at Osterley, must have been made in Chippendale's workshop. That two similar secretaires, both with accompanying commodes en suite, were made, probably in quick succession, for independent patrons, testified to Chippendale's talent for absorbing, imitating and marketing the latest in French design.

We heard this case in October 1998, when the secretaire was shown to us.

The representative for the applicant accepted that the secretaire fell within the Waverley criteria. However, the recent acquisition of the practically identical secretaire, now at Osterley, meant that there was already an example of a lacquered work by Chippendale in a public collection. The applicant's representative believed that it was not necessary to retain another secretaire.

The Committee concluded that the secretaire satisfied the second and third of the Waverley criteria. It therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at or above the recommended price of £650,000. It further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further four months.

We were informed by Leeds Museums and Galleries of a serious intention to raise funds with a view to making a matching offer to purchase the secretaire. A decision on the licence application was deferred for a further four months.

We subsequently learned that the secretaire had been acquired by Leeds Museums and Galleries for Temple Newsam House with assistance from the Heritage Lottery Fund, the National Art Collections Fund, Hotspur Ltd, Partridge Fine Arts Ltd, Mallett & Son (Antiques) Ltd, the J Paul Getty Jr Charitable Trust, the Leeds Art Collections Fund, A & S Burton 1960 Charitable Trust, The Leche Trust, members of the Furniture History Society, and several private donors including a major donation from an anonymous admirer of Christopher Gilbert. The secretaire was purchased in memory of Christopher Gilbert (1936-98), pioneer furniture historian, biographer of Thomas Chippendale and Director of Leeds City Art Galleries at Temple Newsam (1983-95).

### Case 13

A Charles II two-handled silver porringer and cover, c.1660, attributed to the workshop of Christian van Vianen

This silver porringer and cover was 19 cm in height, its scratch weight was 23.18 and weight 26 ozs. It had handles in the form of serpents, and the finial of the cover was shaped as a crouching hooded figure. There were signs of an erased coat of arms on the body and a crest on the lid. Later adapted as a sugar bowl, the lid and lip had been modified to take a spoon. Christie's had applied for a licence to export the porringer to Mr Charles Poor in Washington, United States of America. The value shown on the export licence application was £73,282.50.

The Curator of Metalwork, Silver and Jewellery at the Victoria & Albert Museum, acting as the Department for Culture, Media and Sport's expert adviser, had objected to the proposed export of the porringer under the second and third of the Waverley criteria. She said that the porringer was a rare survival that illuminated the impact on Restoration England of the most sophisticated Netherlands style.

Christian van Vianen (active 1600-67) came from an illustrious family of silversmiths based in Utrecht. His father Adam was responsible for the creation of the revolutionary auricular style, and his uncle Paul was goldsmith to the Emperor Rudolph II in Prague. Auricular (so-called by art historians because its curves echo the fleshy lobe of the ear) was one of the most extreme stylistic manifestations, standing on the cusp between Mannerism and the Baroque. Admired in the Netherlands, Hamburg and Prague, and developed by goldsmiths such as Johannes Lutma (active 1620-69), it was a complex refinement of the exaggerated natural and marine forms and grotesque figures used to such effect by Mannerist silversmiths and was in essence a court style, appealing only to the most cultivated of patrons. As practised by the van Vianens, the style was also technically uncompromising, involving virtuoso raising, embossing and chasing, often from a single sheet of silver.

The brilliance of the Utrecht workshop was recognised by Charles I, who owned plaques by Paul van Vianen and, through the Earl of Arundel, invited Christian to London in 1632-33. It was during this period that van Vianen had made and signed the superb dolphin basin of 1635, now in the Victoria & Albert Museum, and between 1636 and 1642 had supplied the Duke of Northumberland with a covered bowl and salver. His most magnificent commission was in 1634, for a set of altar plate for St George's Chapel, Windsor. This was looted in the Civil War and Christian was still petitioning for payment in 1665. He seemed to have returned to Utrecht in 1643, but by 1660 he was back, this time at the invitation of Charles II, who made him 'Silversmith in Ordinary to his Matie, for Chasework within his Maties Closett and Bed Chamber & alsoe the Closett and Bed Chambr. of the Queene'. No marked silver survived from this later London period, although partners in his London enterprise were named in accounts at Backwell's and Child's Bank as well as among the Privy Purse payments of James II.

Although there was no evidence that this cup was a presentation piece or that it had a matching salver, it had an interesting link to the diarist and connoisseur John Evelyn. It seemed to be a pair to a near-identical cup now in the Museum of Fine Arts, Boston. The weights were very close (the Boston cup weighed 27 oz. 10 dwt) and, when placed together, the crouching figure finials faced each other. The Boston cup had Evelyn's arms engraved on the body and lid respectively. This cup had traces of erased arms on the body and cover, although the shape of the shield of arms seemed different from the Boston example. However, there was no supporting documentary evidence and certainly nothing to suggest that this cup was ever in Evelyn's collection, other than the missing arms and the fact that aesthetically the two cups seemed to belong together. It became clear when comparing this cup and its Boston counterpart with contemporary pieces that they stood out as highly evolved expressions of auricular design. The majority of the English craft, and presumably their clients, clearly found the style in its entirety altogether too uncompromising, too technically demanding and too costly, although the auricular flavour came through in borders and rims.

Despite the extraordinary importance of the small, highly rarefied group of objects either from the workshop, or in the manner, of van Vianen, very few remained in public collections in this country. Whether the cup and cover was from the hand of

van Vianen or not, it was a rare example of an object that was closely related to one of the most important, innovative and sophisticated workshops in Europe, established under the direct patronage of the English crown. Its existence was an expression of London's status as a major world city, both in economic and social terms, and as a centre of cultural creativity. It was a product of Northern European court circles, reflecting patronage of the most cultivated kind. In England these patrons looked across the Channel for the best in style and manufacture. It threw light on the intricacies of the London goldsmiths' craft over a forty-year period which was of increasing interest to scholars, having been overshadowed by the later French influences of the 1680s.

The presence of auricular motifs on pieces marked by both alien and London goldsmiths exposed the complexity of manufacturing and retailing relationships. It was also an example of an aesthetic phenomenon of such sophistication that it could be executed and appreciated only by the few. Despite this, the auricular as expounded by the van Vianens' workshops proved highly influential, elements of the style both extending Mannerism to its limits and prefiguring certain aspects of the Rococo – the silver of de Lamerie in particular showed its influence. Resonances lingered into the late nineteenth and early twentieth centuries. The sinuous, organic expressiveness of Art Nouveau seemed more familiar when compared with objects such as this cup.

We heard this case in February 1999, when the porringer was shown to us.

The representative for the applicant contended that since the porringer was not in its original condition, having been adapted and showing wear to the surface chasing, it was not of outstanding aesthetic importance. There were also important pieces fully attributed to Christian van Vianen in both public and private collections in the United Kingdom, such as a signed basin of c.1635 in the Victoria & Albert Museum and a cup and cover of c.1636-42 in the collection of the Duke of Northumberland, Alnwick Castle.

In assessing the item under the second criterion of aesthetic importance, comparison was made with other works attributed to the van Vianen workshop and circle, particularly the Boston example, where it was possible to evaluate variations in weight between the respective porringers and their covers. Having considered the condition of this item and the effect that alterations had had on the relationship between the porringer and its cover, we concluded that it did not satisfy the second of the Waverley criteria.

We therefore concluded that the item satisfied just the third of the Waverley criteria. There were few examples of the auricular style publicly accessible in the United Kingdom, and the item had demonstrated significant potential for further documentary study, in pursuing the possible Evelyn connection and in researching guild and bank records for further information concerning the van Vianen workshop in London. Scientific analysis of the porringer and cover would provide valuable material for further comparison with its possible Boston counterpart. We therefore recommended that a decision on the export licence should be deferred for a period of two months to enable an offer to purchase to be made at or above the recommended price of £73,282.50. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further two months.

We were informed by the Fitzwilliam Museum in Cambridge of a serious intention to raise funds with a view to making an offer to purchase the porringer. A decision on the licence application was deferred for a further two months.

We subsequently learned that the porringer had been acquired by the Fitzwilliam Museum with assistance from the National Art Collections Fund and the Victoria & Albert Museum Purchase Grant Fund.

#### Case 14

A painting, *In the Hayfield*, by Aleksei Gavrilovich Venetsianov (1780-1847)

This painting was executed in oil on canvas and measured 66 x 54 cm. Christie's had applied for a licence to export it to the owner, the State Tretyakov Gallery in Moscow, to which it had been bequeathed by the late Mr Victor Provatoroff.

The Director of the National Gallery, acting as the Department for Culture, Media and Sport's expert adviser, had objected to the proposed export of the painting under the second and third of the Waverley criteria. He said that it was an austere and compelling image of seemingly timeless peasant life. Furthermore, he noted that there were no paintings by Venetsianov in public collections in the United Kingdom, and few nineteenth-century Russian paintings of any kind. Therefore, this work would complement European nineteenth-century works by Nazarene and Scandinavian artists already accessible to the public. It was noted that the condition of the canvas was not without problems, due to paint shrinkage and overpainting. Nevertheless, the serene profile of the mother, a baby at her breast as she turned to address an eager child, the simple rhythm of the haystacks and field, and the still-life groupings at right and left in the foreground, were all beautifully achieved.

Aleksei Gavrilovich Venetsianov (1780-1847) was a central figure in Russian painting of the nineteenth century, the founding father of the realist tradition there. A civil servant in St Petersburg, he came to painting relatively late and was largely self-taught. At age 30 he studied briefly at the Imperial Academy of Art but found its rigid Neoclassicism and insistence on antique subject matter artificial and uncongenial. By 1819, Venetsianov was able to give up his government post to paint full time. He retreated to a modest country estate acquired a few years earlier and there found his themes in the surrounding farm landscape and the lives of the peasants. His peasants were ennobled and idealised, tranquil, immaculate and unquestioningly content with their lot. Nonetheless, Venetsianov effected a fundamental shift in Russian painting with such works. Based on the close observation of Russian types, costumes and landscapes, his paintings influenced succeeding generations of artists in the development of a national school. He went on to become an influential teacher, founding a painting academy on his estate that, remarkably for the time, accepted serfs as pupils.

*In the Hayfield* was an important rediscovery and a major addition to Venetsianov's oeuvre. Exhibited in Paris in 1906, and in St Petersburg two years later, and always discussed in the Venetsianov literature, it had long been considered lost. In fact, it entered an expatriate Russian collection in Rome by 1911 and came to the United Kingdom more than 50 years ago. While the picture was not dated, Dr David Jackson of the University of Leeds had suggested that it was most likely to have been painted in the early 1820s. Indeed, the model for the mother resembled a *Reaper* by Venetsianov in the State Russian Museum, St Petersburg, itself painted in the 1820s. The painting was one of Venetsianov's most accomplished explorations of the timeless, spiritual dimension that for him was inherent in the Russian soil and the humble rhythms of Russian peasant life.

We heard this case in February 1999, when the painting was shown to us.

The applicant proposed that although Venetsianov was an important artist of the Russian nineteenth-century realist movement, he was not of international stature. In the Hayfield was a good example of the artist's work, but it was not of outstanding aesthetic importance and was in far from perfect condition. Furthermore, since Venetsianov's paintings were almost exclusively in Russia, any serious student of this subject would only consider study and research in Russia itself.

We concluded that the painting satisfied the third of the Waverley criteria. The value shown on the export licence application of £300,000 represented the price at which bidding had been opened when the painting was offered for sale by Mr Provatoroff at Christie's on 20 November 1997, three weeks prior to his death. Given that it had not sold at the opening price of £300,000, we asked the expert adviser to submit his comments on valuation. Pending the resolution of this issue, the Committee recommended that a decision on the export licence application should be deferred for a period of three months to enable an offer to purchase to be made at or above the recommended fair market price. If at the end of the initial period of three months there was a potential purchaser who showed 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 time of writing this Report, the valuation of the painting was still under consideration, and a recommendation had not yet been made to Ministers.

#### Case 15

A painting, *Portrait of an Elderly Man*, by Rembrandt van Rijn (1606-69)

This portrait was executed in oil on canvas and measured 81 x 67 cm. Hazlitt, Gooden and Fox Ltd had applied for a licence to export the portrait to a purchaser in the Netherlands. The value shown on the export licence application was £9,300,000.

The Director of the National Gallery, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export under the second of the Waverley criteria. He said that many commentators had noted the power of the painting, Hofstede de Groot, for example, calling it 'a picture with incredible expressiveness, a sight that remains unforgettable', and Gerson referring to its overwhelming power, character and directness of expression.

The sitter was given a compelling presence by Rembrandt's composition, which brought him so close to the picture plane. The informal immediacy of the image was reinforced by the slight angle of the body, the tilted hat, the slightly open mouth and the disorderly collar and tie. But this was only an apparent casualness. The curves and angles of the sitter's hat and collar gave balance to the corpulent face and provided a visual counterweight to the emphatically painted hands. Whereas such compositional techniques might be dismissed as portrait conventions, however perfectly realised, what was extraordinary about the painting was its technique. The summary but effective modelling of the clothing contrasted with the intense impasto of the features. Their bluff, even coarse, character seemed echoed by the rough surface of the paint and the rapidity and assurance with which it had been applied. The hands were painted with expressive vigour, the hair and moustache with a lively delicacy, while highlights on

the face, collar, cuffs and the post of the chair reinforced what Blankert had recently called 'the intense energy that emanates from the picture.'

The sitter in the portrait was formerly identified as 'Admiral van Trump', either Admiral Maarten Harpertz Tromp (1598-1653) or his son Admiral Cornelis Tromp (1629-91), but it had now been established that he was neither. The portrait's provenance could be traced back to 1761 when it was described in Dodsley's *London and Its Environs Described* as in the long parlour of Belvedere House, the financier Sampson Gideon's mansion in Erith, Kent. Gideon died in 1761/2 bequeathing the painting to his son, Sir Sampson Gideon (1745-1824), created 1st Lord Eardley in 1789. It passed by inheritance through several generations and was seen at Belvedere House by Waagen in 1857. It remained in the family until at least 1876 when it was exhibited at the Royal Academy as lent by Mrs Culling Hanbury. According to Dutuit, it was no longer in the family when he published his work on Rembrandt in 1885. It was bought from Agnew's by Lord Cowdray in 1919.

The painting was for a period attributed to Frans Hals and was so shown to Bredius who, unaware of its eighteenth-century provenance, published it in 1921 as a mid-nineteenth-century forgery. However, even without knowing this earlier provenance, Bredius's view was rejected by Hofstede de Groot (1920) as it was by Gerson (1969), both of whom regarded the painting as by Rembrandt's own hand. Brown (1976) also regarded it as by Rembrandt, but Tümpel (1986) expressed reservations. The picture was exhibited as by Rembrandt in Australia in 1997-98. On that occasion its earlier provenance was published by Albert Blankert and Marlen Blokhuis, who convincingly refuted doubts about the painting's attribution.

The painting was signed and dated 1667. Although the second '6' was obscure, there was no reason to doubt it, given the existence of the *Portrait of a White-haired Man* (Melbourne, National Gallery of Victoria), also signed and dated 1667 and with which it bore close comparison. There were few late, male portraits by Rembrandt in public collections in the United Kingdom. There were self-portraits at the National Gallery and at Kenwood, and one on loan from the Sutherland collection at Edinburgh, and a number of late paintings, all in the National Gallery, which had something of the character of portraits but which might be studies of character types (*Bearded man in a Cap of the 1650s*; *A Franciscan Friar of c.1655*; and *An Elderly Man as Saint Paul of c.1659*).

There were only two paintings in public collections in the United Kingdom generally accepted as late Rembrandt that could properly be classified as male portraits, and these were both in London: the National Gallery's *Jacob Trip of c.1661* and the Wallace Collection's *Titus of c.1657*. Both of these paintings had been somewhat reduced in size, which was not the case with the *Portrait of an Elderly Man*, which was generally exceptionally well preserved. It was also more engaging than the *Jacob Trip* and had greater vigour than either that painting or the *Titus*.

We heard this case in February 1999, when the painting was shown to us.

The representative for the applicant did not question that the painting met the second of the Waverley criteria, but regarded it as debatable as to whether it would fulfil the first or third. Although the picture had been in England since the mid-eighteenth century and was generally acknowledged as a work of remarkable power and expressiveness, there were other outstanding examples of Rembrandt's late portraiture in British collections, such as the self-portrait at Kenwood of c.1665. The painting had

not been seen publicly in England since 1979. However, it was well known to Rembrandt scholars and had been included in the recent exhibition in Australia, *Rembrandt: A Genius and his Impact, 1997-98*, organised by Albert Blankert.

In assessing the painting, we noted that members of the Rembrandt Research Project team had had an opportunity to study and perform X-ray analysis of the portrait prior to its exhibition in Australia in 1997-98, and intended to publish the work as part of Rembrandt's oeuvre.

We concluded that the portrait met the second and third of the Waverley criteria. We also considered that, such was the quality of the painting that it merited a 'starred' recommendation, i.e. that every effort should be made to raise the necessary funds to make an offer to purchase it. We therefore recommended that a decision on the export licence application should be deferred for a period of three months to enable an offer to purchase to be made at or above the recommended price of £9,300,000. We further recommended that, if at the end of the initial period of three months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further three months.

At the end of the initial three-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.

## Case 16

### A Roman gold finger-ring

This ring was of gold with an oval, flattened bezel area and expanded, pointed shoulders. The bezel decoration, soldered to the flat surface, was a small oval gold plaque bearing in relief the device of two right hands, clasped, within a beaded border. The ring was very small, with an internal diameter of only 15 mm (modern United Kingdom ring size F), but its construction was solid and robust, and it weighed 15.2 grammes. The gold was of very high purity, over 99 per cent (i.e. very nearly 24 carat). Christie's had applied for a licence to export the finger-ring to Mr Kanji Hashimoto, Japan. The value shown on the export licence application was £2,352.50.

The Keeper of Prehistoric and Romano-British Antiquities at the British Museum, acting as the Department for Culture, Media and Sport's expert adviser, had objected to the proposed export of the finger-ring under the third of the Waverley criteria. He said that it was an object of outstanding significance for the study of personal ornament in Roman Britain, a field of research that provided significant evidence for the interpretation of the complex society of Roman Britain.

The ring was a woman's wedding-ring (*anulus pronubis*), the distinctive shape of which indicated a date of manufacture of the late second to early third century AD. The very small size made it unlikely to have been worn by a man. Though it was known from literary sources that rings were used as tokens of betrothal and marriage in the Roman period, there did not seem to have been a universally standardised type of ring for the purpose. However, by the later Roman period, it was evident that rings featuring a metal plaque with the *dextrarum iunctio* (clasped hands) in relief had become symbolic of marriage, although the rarity of the type showed that it was not standard practice for all wedding-rings to bear this device, and there may have been additional levels of

symbolism unknown to us. The motif expressed concordia – harmony, agreement, unity, fidelity – and was first used on coins and engraved gems from late Republican times to convey a range of meanings, sometimes combined with other emblems of good fortune such as cornucopiae or ears of corn. It was not difficult to see how its symbolism could be related to the idea of the marriage contract. The modern bullion value of the ring was £100, which represented two aureae coins, about a month's salary for a legionary soldier, therefore it had probably belonged to a quite wealthy person of some status. The clasped-hands design was of wholly Classical history and style, and it was conceivable that those who favoured it were making a statement about romanitas, Roman values as opposed to the more mixed and complex traditions normal in the provinces of the Empire.

All of the seven rings hitherto recorded from Britain with this motif might be dated to the later third-fourth centuries AD, and three were of a type assignable to the very end of the fourth century. By then, rings had also started to appear displaying a different symbol of marriage, a male and a female head, often accompanied by a Christian inscription. The great importance of this ring, therefore, was that it was earlier by at least a couple of generations than all the other identifiable Roman marriage-rings known from Britain, and it thus formed the starting-point for this small series of fascinating objects. The only close published parallel was an example from Germany, also dating to the late Antonine or Severan period. Though precious-metal jewels had survived in considerable quantities from the Roman Empire, because they were often still treated simply as wearable trinkets or art objects, it was not possible to exploit fully their potential value as archaeological and historical evidence. There was therefore still much to learn from such material, and a Romano-British find representing the earliest recorded specimen of its type from the province deserved to be in a public collection where it could be studied, displayed and taken into account in future research.

We heard this case in February 1999, when the ring was shown to us.

The applicant did not accept that the ring met the third of the Waverley criteria and questioned whether its date was as early as had been suggested by the expert adviser. A similar shape of ring with pointed shoulders from the Ralph Harari Collection (catalogued by Boardman and Scarisbrick, 1977) supported a later date of the third-fourth centuries, which would not place the ring at the start of the series.

We concluded that the ring met the third of the Waverley criteria. The dating of the ring to the second-third centuries by the expert adviser was accepted on the basis that the comparative example from the Harari collection could not be firmly placed at a later date. By providing a starting-point to this series, the ring provided a significant addition to the study of Roman jewellery in the Northern Empire.

Subject to the result of enquiries concerning the provenance of the ring, we recommended that a decision on the export licence application should be deferred for a period of three months to enable an offer to purchase to be made at or above the recommended price of £2,352.50. We further recommended that, if at the end of the initial period of three months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further two months. Following the conclusion of enquiries into the provenance of the ring, a decision on the export licence application was deferred for a shorter initial period of two months.

We were informed by the British Museum of a serious intention to raise funds with a view to making an offer to purchase the ring. A decision on the export licence

application was deferred for a further two months. We subsequently learned that the ring had been generously donated to the British Museum by the owner, Mr Hashimoto.

#### Case 17

A painting, *Collage* (Jan 27 1933), by Ben Nicholson

This painting in oil, pencil and attached newspapers and paper doileys on canvas measured 89 x 68.4 cm. Sotheby's had applied for a licence to export it to the Galerie Rosengart, Switzerland. The value shown on the export licence application was £129,995.63.

The Director of Collections at the Tate Gallery, acting as the Department for Culture, Media and Sport's expert adviser, had objected to the proposed export of the painting under the second and third of the Waverley criteria. He said that Ben Nicholson was one of the most distinguished British artists of the twentieth century, sharing with Henry Moore and Francis Bacon a truly international reputation. He was at his most innovative in the 1930s and the item under review, unquestionably the finest collage by Nicholson known to remain in the country, was significant for the understanding of the later development of his work, both in relief and in Cubistic still-life painting.

Nicholson had made several collages in 1933, three of which were known to survive. *Collage* (Jan 27 1933) had been unknown to historians of modern art until it was published in the exhibition catalogue *The Dieppe Connection* in May 1992. It had been offered for sale at Sotheby's in December 1998 with an estimate of £180,000-£220,000, but had not sold at auction. Another of this group, *Collage with a Spanish Postcard*, 1933, had been seen by the Reviewing Committee in March 1992, and had been found to satisfy the third of the Waverley criteria. No purchaser had been found to equal the recommended price of £275,000 and the painting had been exported. The three works exhibited at the Seven and Five Society as 'collage' were hard to identify, but the expert adviser had uncovered one, 1933 (composition *Bugatti 5 litres*), in a private collection in the United Kingdom.

Nicholson first became noticed in the early 1920s when he favoured the painting of still-life and landscape, which, although often in a naive manner, took account of the sophisticated advances of continental painting, especially Cubism. In 1924 he became a member of the Seven and Five Society, a group of artists who worked outside the traditions of the London Group and the New English Art Club, and in 1926 he became its Chairman. His election to this position was of profound importance for the course of British art over the next 15 years, for through his enthusiasm and single-mindedness, Nicholson raised the international profile of British art. By 1935 Nicholson had ensured that the exhibitions of the Seven and Five Society were open only to non-figurative works, and he encouraged a school of abstraction that reached its zenith in 1937 with the publication of the book *Circle*, an International Survey of Constructive Art.

The importance of Nicholson's achievement was tacitly acknowledged by the influx of refugees from Europe in the 1930s who found the avant-garde activities of Nicholson and his group to be in sympathy with their own approach to art and architecture. He clearly had a pivotal role in British art in this period, and was a conduit for modernist ideas about art. *Collage* itself was central to modernist practice. During the 1930s, Nicholson's work was shown in a number of international exhibitions. He was

represented in them by carved reliefs, the method of working he took up in 1933, although he continued also painting abstracted still-lives and purely abstract painting with colour. Relief carving, however, was one of Nicholson's most important contributions to the international modernist movement, particularly the series of works that were painted white.

Immediately before his breakthrough to carving, Nicholson had been concentrating on still-life. *Collage* (Jan 27 1933) was based on the still-life theme, but it was a transitional work, leading on to the relief carvings. The painting showed a table-top still-life, abstracted beyond the point where it was clearly legible throughout. There was an oval plate with two fish, whose shape Nicholson cut out of a French newspaper and stuck to the surface, another plate represented by a paper doily, and other unidentifiable shapes. Rhythmic lines enlaced the composition, partly representing the edge of the table. At the top of the painting was a copy of the printed sign from a shoe shop in Dieppe, *Au Chât Botté* (Puss in Boots). The sight of this window had fascinated Nicholson the year before, when he had used it for a complex still-life painting, 1932 (*Au Chât Botté*) (Manchester City Art Galleries), and in 1941 in an article in the magazine *Horizon* he cited this experience as being formative. The three successive planes, of lettering on the shop window, of reflections in the window of what was behind the viewer looking into it, and of the window display itself '...were interchangeable so that you could not tell which was real and which unreal, what was reflected and what unreflected, and this created, as I see now, some kind of space or an imaginative world in which one could live'. In the 1933 collage, this shop sign is both a view of his own earlier painting and a memento of the shop window.

By using collaged newspaper in *Collage* (Jan 27 1933), Nicholson brought together a number of references. Most obviously he signalled his admiration for Braque, who had pioneered the Cubist *papiers collés*, often using newspaper, in 1912. These had recently been published in the magazine *Cahiers d'Art* (1931). Braque in 1932 was living in Varengeville near Dieppe, painting still-lives and coastal scenes and his work was already a focus of interest for the artists of the Seven and Five Society, who were especially devoted to English Channel subjects. Nicholson and Barbara Hepworth, who had lived together from 1931, went to Dieppe and to Paris in the summer of 1932, which was probably when they bought and kept the newspaper used in the collage. In January 1933, Nicholson again went to Paris and met Braque for the first time, writing back to Hepworth, 'he is a dear person – a big and simple person who one is very fond of'.

Braque deployed a richness of paint as well as the broad, simple rhythms of the kind that Nicholson practised in the texture and design of the painting under review. Furthermore, the use of the French newspaper could be seen in quite general terms as a homage to French life and French taste. In particular, the text of the newspaper also brought the work into the immediate political moment, with its headlines about the Nazis and about Marshal Pétain. A reference to the Olympic Games recalled Nicholson's passion for sport. The use of a French newspaper, while seeming in retrospect so simple, gave Nicholson the opportunity to bring into his work a variety of contemporary associations. At the same time it allowed him the freedom to exploit his exquisite feeling for abstract design. The work also testified to his new relationship with Barbara Hepworth, with whom he had visited France in 1932. Nicholson was making nude drawings of her at this time, and some of the incised lines across the collage might be read as an abstracted female torso.

Ben Nicholson possessed an extraordinarily refined sense of design, which he displayed both by simplifying each element and eliminating extraneous qualities from his pictures

and reliefs, and by finding a compensating enrichment. This enrichment itself lay partly in the straightforward sense of material in his works, in tones and textures, and partly in the metaphorical association of his subjects, even where abstract. For Collage (Jan 27 1933), he brought in the good things of French life, as seen from England, whilst severely sobering this link with references to contemporary political events. There was evidence that Nicholson had considered this work to be important in his oeuvre, choosing it to illustrate an article in *XXième Siècle* in 1956 (the year in which he also won a German painting prize) and selecting it for a 1959 exhibition of his work in Germany.

Nicholson's collages had also been owned by important contemporary artistic collectors: the Collage with a Spanish Postcard, 1933, seen by the Reviewing Committee in 1992, had belonged to Sir Herbert Read and this painting to F L S Murray, brother of William Staite Murray, a potter and member of the Seven and Five Society. The significance for the study of art represented by the painting was that this change of style was a crucial moment in the history of modern British art. By using collage with its minute changes of depth, thus creating a dialogue between actual and imagined changes in plane, Nicholson saw the potential of a painting with real depth; as he wrote in 1941, 'Collage or any change of medium is invaluable to me as it liberates one from old ideas'. Collage (Jan 27 1933) represented the absorption into an English tradition of the technical and aesthetic stances of advanced art in Paris of a generation earlier; and it was within Nicholson's circle that these were passed on to painters such as Hitchens, Piper, Jones and Trevelyan, and through their work to a wide range of acceptance in Britain.

We heard this case in March 1999, when the painting was shown to us.

The applicant argued that the work was created when Nicholson was still formulating his own pictorial language and was essentially an unresolved, quite sloppy composition. The collage predated the explorations he made with carved relief that led to the celebrated white reliefs of 1934-35, and was not relevant to Nicholson's main development in 1933, which was to cultivate an interest in the pure abstraction practised by artists such as Miró, Arp and Calder. It was not comparable in terms of importance with works executed in the following period such as 1935 White Relief (Tate Gallery, London) or the 1940s landscapes such as Nov 11-47 (Mousehole) (British Council). The applicant believed that it represented a flirtation with the work of French Cubists which was extraneous to Nicholson's essential development as a painter and which was abandoned in favour of a more abstract approach. Equally it had been painted in France and was not synonymous with the character of the important paintings Nicholson executed in England from the mid-1930s onwards.

We accepted that the painting was of considerable importance for the study of Nicholson's development and for the understanding of modern British art during the 1930s and beyond. The collage's layered and incised surface was unlike other works by Nicholson, and it possessed gravitas and solemnity, combined with a particularly English lyricism. That it was not completely resolved was significant, in that it revealed the artist working through his responses to Picasso and Braque in a more private mode.

We therefore concluded that the painting met the third of the Waverley criteria and recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at or above the recommended price of £129,995.63. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed serious

intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further four months.

We were informed by the Tate Gallery of a serious intention to raise funds with a view to making an offer to purchase the painting. A decision on the licence application was deferred for a further four months.

#### Case 18

A Hutton two-seater racing car, Little Dorrit, 1908

This car, built in 1908, had the following specification:

Registration No. LB 6327

Car No. 8001

Engine No. 6224

British racing green with black leather seats

Engine: 4-cylinder, 4 in. x 7 in. bore and stroke (5.8-litres), bi-bloc, L-head, with dual ignition; Transmission: multi-plate clutch, 4-speed gate-change gearbox, separate lever for reverse, shaft drive; Chassis: pressed steel, semi-elliptic suspension front and rear, 9 ft 6.5 in. wheelbase. Rudge-Whitworth detachable wire wheels, 881 x 120 beaded edge tyres; Brakes: internal expanding on rear wheels from side lever and on transmission by foot pedal; Bodywork: racing two-seater with bolster tank, front and rear mudguards. Right hand drive.

Christie's had applied for a licence to export the car to a client in Florida, United States of America, whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application was £130,275.

The Senior Curator of Road Transport at the Science Museum, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the car under the third of the Waverley criteria. He said that the car was important for the study of the history of automotive engineering. The car had a continuous history and had remained free from modification or improvement. This was unusual among historic cars from the Edwardian era and gave it valuable status for study and scholarship.

During the period that the car was manufactured and raced, the British motor industry was in the process of formation and development. Moreover, the Napier company, which manufactured the Hutton, was one of the leading manufacturers at the time and contributed more than any single British company to putting British cars into direct competition (in terms of sales and marketing) with French and German makers. The Hutton car had broken 26 hp Class records at Brooklands in February 1908, covered the flying half-mile at 80 mph, and was driven by J E Hutton in various races at the June, July and August 1908 meeting. On 24 September 1908, a team of three Huttons took part in the Tourist Trophy race, held over a rugged road course in the Isle of Man, driven by J E Hutton (who had a special car with a more powerful engine), P D Stirling (who also raced his car, called Dolly Varden at Brooklands) and W Watson (a Liverpool motor dealer and champion cyclist) at the wheel of Little Dorrit. Hutton and Stirling both crashed, but Watson, against stiff opposition, won this gruelling race of over 300 miles at an average speed of 50.25 mph. Racing at that time was not the rather rarified activity that is now the case, with special cars bearing no relationship to those sold to

the public. Rather, racing was seen as proving the practicality of design ideas which were then frequently incorporated into the next year's ordinary models that were offered for sale. For this reason the Tourist Trophy race was held over a taxing selection of ordinary roads that might be encountered by the adventurous motorist.

We heard this case in April 1999, when the car was shown to us.

The applicant argued that the car belonged to a relatively stagnant period in the development of the motor car and that it was not in any way mechanically innovative. Its bodywork was not original: a touring body was fitted in 1912, the car then being restored to its racing appearance in the 1950s. Furthermore, several examples of Napier cars of the period were already held in the United Kingdom.

We concluded that the car met both the first and third of the Waverley criteria and recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at or above the recommended price of £130,275. We further recommended that, if at the end of the initial deferral period of two months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further four months.

We subsequently learned that the owner of the car had not accepted a matching offer to purchase made by a private individual, Mr Kurt Engelhorn of Weybridge, Surrey, at the recommended fair market price of £130,275, and that the export licence application had been withdrawn.

## Case 19

A painting, *Le Ruisseau*, by Paul Gauguin, 1885

This painting in oil on canvas measured 73 x 90 cm. T Rogers & Co. Ltd had applied for a licence on behalf of Mr Richard Nathanson to export it to Mr Peter Mock, Switzerland. The value shown on the export licence application was £1,200,000.

The Director of the National Gallery, acting as the Department for Culture, Media and Sport's expert adviser, objected to the proposed export of the painting under the second and third of the Waverley criteria. He said that the painting was a statement of Gauguin's artistic aspirations as he began to emerge ever more clearly in the mid-1880s as a distinctive and original artistic personality. At the same time, it was a significant document for the study of the emergence of post-Impressionist currents in French art.

This landscape painting was among the most ambitious and vibrant of Paul Gauguin's early years. It depicted a young boy wandering down a narrow forest path that was dappled by touches of sunlight flickering through the foliage. While Gauguin's brushstroke continued to owe a debt to Impressionist painting, the work was characterized by an increasing stylisation of form, use of bright colours and, in the curving and curling trunks and branches of the trees that played across the surface, a lively interest in sinuous decorative effects. The canvas was relatively large in scale for Gauguin at this stage in his career and its condition was generally good with much evident impasto.

The painting was known to Georges Wildenstein, author of the 1964 catalogue raisonné of Gauguin's paintings, only through a photograph (no. 153). It had been in a private

collection in Britain for more than 50 years and seemed not to have been lent to exhibitions or seen by scholars in the field. Its reappearance constituted a notable rediscovery. Signed and dated 1885, the painting was executed at a key turning point in the development of Gauguin's art. Following the stockmarket crash of 1882 and the loss of his job in banking, Gauguin hoped to make a living from his art alone. This proved difficult and the family was in dire financial straits when, in November 1884, his wife insisted they return to Copenhagen to live with her family. The paintings Gauguin showed there were derided by conservative and provincial Danish critics for whom Impressionism was an incomprehensible novelty. Perhaps not surprisingly, as he was an intensely stubborn man, Gauguin reacted to the criticism by pushing himself to an even more radical statement of his emerging artistic creed. It was in Copenhagen that he wrote his *Notes synthétiques*, as well as letters to artist friends in Paris, calling for an art of greater mystical force that exploited the abstract symbolism of colour and line. 'More than ever I am convinced', he told his mentor Pissarro, 'that there is no such thing as exaggerated art. And I even believe that there is salvation only in extremes...'

In June 1885, Gauguin fled Copenhagen for France, spending the summer and early autumn painting near Dieppe. Several works probably executed there, including the canvas under consideration, showed dense woodland scenes in which sky was all but excluded. Small, broken touches of paint revealed Gauguin's continued debt to Pissarro but it was far from being a classical Impressionist painting. Rather, Gauguin used dabs of brilliant, pure colour laid on the ground and in the stream, and the linear patterning of the trees, to repeatedly draw the eye back to the picture surface. He experimented too with the more radical exaggeration of natural focus that he had called for in his writings from Denmark a few months earlier. The decorative effects he achieved would play an increasingly important role in his art in coming years. The painting also seemed to be the largest landscape that Gauguin attempted in 1885; scale was always an important consideration for him, which suggested that the work under consideration itself should be seen as a synthesis of the new ideas he was working with in 1885.

We heard this case in April 1999, when the painting was shown to us.

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

We accepted that the painting was of importance for the study of Gauguin's development and represented a pivotal moment. It was noted that the picture demonstrated both how Gauguin had been influenced by those that came before him, such as Millet and Pissarro, and how he was experimenting with the decorative components of the picture. The painting was of a better quality than the examples of 1885 in Glasgow and Manchester but would undoubtedly benefit from a surface clean.

We therefore concluded that the painting met the third of the Waverley criteria and recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at or above the recommended price of £1,200,000. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further four months.

We subsequently learned that at the end of the initial deferral period of two months the painting had been acquired by a private individual who wished to remain anonymous and had been placed on loan in the National Museum of Wales, Cardiff.

Case 20

A terracotta sculpture, *The Executioner of St John the Baptist*,  
by Andrea del Verrocchio

This sculpture measured 25.5 cm in height. Martinspeed Ltd had applied for a licence to export the sculpture to a purchaser in the United States of America, whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application was £1,612,903.23.

Martinspeed Ltd had previously applied for a licence to export the sculpture to Hall and Knight (USA) Ltd, United States of America, in 1998. On that occasion, the value shown on the export licence application was £2,100,000, which represented the sculpture's estimated value. The Chief Curator of the Sculpture Department at the Victoria & Albert Museum, acting as the Department for Culture, Media and Sport's expert adviser, had objected to the proposed export of the sculpture under the second and third of the Waverley criteria.

We had heard the case in February 1998, when the sculpture was shown to us. (The record of the hearing is included in our Annual Report for 1997-98, as Case 11.)

We had concluded then that the sculpture satisfied the second and third of the Waverley criteria. However, the price on the export licence application form was an estimated value, which we decided needed verification as the sculpture had no known auction history. We decided, therefore, that as there was doubt about the value of the sculpture and as there was no bill of sale to establish a fair market price, there should be an independent valuation. The expert adviser and the applicant were invited each to nominate a valuer to agree on a valuation for the sculpture which we would then use as the fair market price. We therefore deferred a decision on a recommendation to the Minister until after the fair market price had been established.

We subsequently learned that the export licence application had been withdrawn.

The Chief Curator of the Sculpture Department at the Victoria & Albert Museum, acting as the Department for Culture, Media and Sport's expert adviser, objected once more to the proposed export of the sculpture in 1999 under the second and third of the Waverley criteria. The expert adviser and owner agreed that the findings of the Committee at its February 1998 meeting remained valid and that the sculpture was therefore of Waverley standard.

We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to be made at or above the recommended price of £1,612,903.23. We further recommended that, if at the end of the initial deferral period of two months there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further four months.

At the time of writing, this case was still under deferral.

# Appendices

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## Appendix A

### Terms of reference of the Reviewing Committee on the Export of Works of Art

The Committee was established in 1952, following the recommendations of the Waverley Committee in its Report in September of that year, and was directed:

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

## Appendix B

### Composition of the Advisory Council on the Export of Works of Art

The Chairman of the Reviewing Committee is the Chairman of the Advisory Council and the membership is as follows:

- (i) the independent members of the Reviewing Committee ex officio;
- (ii) the departmental assessors on the Reviewing Committee (that is representatives of the Department for Culture, Media and Sport, Department of Trade and Industry, HM Treasury, Foreign and Commonwealth Office, HM Customs and Excise, Scottish Executive Education Department, Office of the Secretary of State for Wales and Northern Ireland Ministry of Education);
- (iii) the Directors of the English and Scottish national collections, the National Museum of Wales and the Ulster Museum, and the Librarian of the National Library of Wales;
- (iv) the expert advisers to the Department for Culture, Media and Sport, to whom applications for export licences are referred, other than those who are members by virtue of (iii) above;
- (v) eight representatives of non-grant-aided museums and galleries in England, Scotland, Wales and Northern Ireland, nominated by the Museums Association;
- (vi) representatives of: the Association of Independent Museums; the Arts Council of England; the Scottish Arts Council; the Arts Council of Wales; the Arts Council of Northern Ireland; the National Art Collections Fund; the National Trust; the National Trust for Scotland; the National Heritage Memorial Fund; the Heritage Lottery Fund; the Pilgrim Trust; the Museums & Galleries Commission/Victoria & Albert Museum Purchase Grant Fund; the Museums & Galleries Commission/Science Museum Fund for the Preservation of Scientific and Industrial Material (PRISM); the Public Record Office; the Scottish Record Office; the Friends of the National Libraries; the Conference of Directors of the National Museums and Galleries.
- (vii) representatives of:
 

Royal Academy of Arts	Museums & Galleries Commission
Royal Scottish Academy	British Records Association
British Academy	Scottish Records Association
Society of Antiquaries of London	Society of Archivists
Historic Houses Association	Library Association
Royal Historical Society	Canadian Cultural Property Export Review Board (observer status)
Council for British Archaeology	Royal Commission on Historical Manuscripts
Standing Conference of National and University Libraries	
- (viii) representatives of the trade nominated by:
 

Antiquarian Booksellers' Association (two)	British Numismatic Trade Association (two)
Antiquities Dealers' Association (two)	Christie's
Association of Art and Antique Dealers (two)	Fine Art Trade Guild
British Antique Dealers' Association (three)	Society of London Art Dealers (two)
British Art Market Federation	Sotheby's

## Appendix C

List of independent assessors who attended meetings during the year ended 30 June 1999

Mr Hugh Belsey	Gainsborough's House, Suffolk	Case 3
Mr Paul Bidwell	Tyne and Wear Museums	Case 1
Ms Vanessa Brett	Editor, The Silver Society Magazine	Case 5
Dr Hugh Brigstocke	Formerly, National Galleries of Scotland	Case 7
Dr Christopher Brown	Ashmolean Museum	Case 15
Mr Peter Brown	Fairfax House, York	Case 12
Mr Oliver Fairclough	National Museum and Gallery of Wales	Case 8
Dr Dennis Farr CBE	Courtauld Institute Galleries	Case 19
Professor David Ganz	King's College, London	Case 6
Professor Julian Gardner	Warwick University	Case 6, Case 11
Mr Richard Gray	Director, Compton Verney House Trust	Case 8
Mr Francis Grew	Museum of London	Case 16
Mr Derek Grossmark	Independent	Case 18
Ms Jo Hedley	Wallace Collection	Case 7
Dr Martin Henig	Institute of Archaeology, University of Oxford	Case 16
Mr Alexander Heslop	University of East Anglia	Case 11
Mr John Hoole	Barbican Art Gallery	Case 17
Dr Kristian Jensen	Bodleian Library, Oxford	Case 10
Ms Christine Jones	National Postal Museum	Case 16
Dr Martin Kauffman	Bodleian Library, Oxford	Case 6
Mr Stephen Laing	Curator, British Motor Industry Heritage Trust	Case 18
Mr Jerry Losty	British Library	Case 4
Mr Arthur MacGregor	Ashmolean Museum	Case 1
Dr David McKittrick	Trinity College, Cambridge	Case 10
Professor Hamish Miles	Formerly, Barber Institute of Fine Art	Case 2
Professor John Milner	University of Newcastle	Case 14
Mr Anthony North	Victoria & Albert Museum	Case 11

Dr Richard Palmer	Lambeth Palace Library	Case 10
Dr Steven Plunkett	Ipswich Borough Council Museums & Galleries	Case 1
Dr Julia Poole	Fitzwilliam Museum	Case 5
Mr Dominic Porrelli	Newburn Hall Motor Museum, Newcastle	Case 18
Dr Martin Postle	University of Delaware	Case 3, Case 4
Dr Kenneth Quickenden	University of Central England	Case 8
Ms Rosemary Ransome Wallis	Curator, Worshipful Company of Goldsmiths	Case 5
Mr Benedict Read	University of Leeds	Case 17
Mr Hugh Roberts	The Royal Collection, St James's Palace	Case 12
Mr Anthony Rota	Bertram Rota Ltd	Case 9
Mr David Scrase	Fitzwilliam Museum	Case 7, Case 15, Case 19
Mr Christopher Sheppard	University of Leeds	Case 9
Mr Jacob Simon	National Portrait Gallery	Case 2, Case 3, Case 4
Ms Helen Smailes	National Gallery of Scotland	Case 2
Ms Maryanne Stevens	Royal Academy of Arts	Case 19
Mr Hugh Tait	Formerly, British Museum	Case 13
Mr Charles Truman	Namara Fine Arts	Case 13
Mr Johnny van Haeften	Johnny van Haeften Ltd	Case 15
Professor Peter Vergo	University of Essex	Case 14
Mr Nicholas Wadley	Formerly, Chelsea School of Art	Case 17
Dr John Whiteley	Ashmolean Museum	Case 14
Mr John Wilson	Dealer in Historical Documents	Case 9
Mr Timothy Wilson	Ashmolean Museum	Case 13
Ms Lucy Wood	Lady Lever Art Gallery (National Museums Galleries on Merseyside)	Case 12

# Appendix D

Items licensed for export after reference to expert advisers for advice as to national importance: 1 July 1998 – 30 June 1999

Category	Advising authority	No. of items	Total value (£)
Archaeological material	British Museum, Keeper of Medieval and Later Antiquities	775	3,249,410
Arms and armour	Royal Armouries, HM Tower of London, Master of the Armouries	5	606,291
Books, maps etc	British Library, Keeper of Printed Books, Keeper of Printed Maps	101	18,944,323
Books (natural history)	British Museum (Natural History), Head of Library Services	0	0
Clocks and watches	British Museum, Keeper of Clocks and Watches	31	3,161,278
Coins and medals	British Museum, Keeper of Coins and Medals	149	574,672
Drawings, prints, water-colours	British Museum, Keeper of Prints and Drawings	339	67,958,040
Drawings: architectural, engineering and scientific	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	71	4,307,154
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	13	1,126,050
Ethnography	British Museum, Keeper of Ethnography	13	1,494,731
Furniture and woodwork	Victoria & Albert Museum, Curator of the Furniture and Woodwork Collection	479	39,813,186
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	0	0
Japanese antiquities	British Museum, Keeper of Japanese Antiquities	28	3,955,275
Indian furniture	Victoria & Albert Museum, Curator of the Indian and South-East Asian Department	0	0
Manuscripts, documents and archives	British Library, Manuscripts Librarian	3,388	50,757,029
Maritime material, including paintings	National Maritime Museum	0	0
Medieval and later paintings	British Museum, Keeper of Medieval and Later Antiquities	4	990,000
Medieval and later antiquities	British Museum, Keeper of Oriental Antiquities	128	39,026,806
Oriental antiquities (except Japanese)	British Museum, Keeper of Oriental Antiquities	1	43,000
Oriental furniture	Victoria & Albert Museum, Keeper of Oriental Furniture	259	236,107,168
Paintings, British, modern	Tate Gallery, Director of Collections	278	418,968,294
Paintings, foreign	National Gallery, Director	0	0
Paintings, miniature	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	101	82,318,472
Paintings, portraits of British persons	National Portrait Gallery, Director	79	286,252
Photographs	National Museum of Photography, Film & Television, Head	32	3,791,080
Pottery	Victoria & Albert Museum, Curator of the Ceramics Collection	2	101,550
Prehistoric and Romano-British antiquities	British Museum, Keeper of Prehistoric and Romano-British Antiquities	12	1,185,950
Scientific and mechanical material	Science Museum, Director	74	18,837,351
Sculpture	Victoria & Albert Museum, Curator of Sculpture	381	40,796,557
Silver, metalwork and jewellery	Victoria & Albert Museum, Curator of the Metalwork, Silver and Jewellery Collection	4	305,360
Silver and weapons, Scottish	Royal Museum of Scotland	89	6,836,159
Tapestries, carpets (and textiles)	Victoria & Albert Museum, Curator of the Textile, Furnishings and Dress Collection	0	0
Toys	Bethnal Green Museum of Childhood	54	8,103,500
Transport	Science Museum, Curator of Road Transport	0	0
Wallpaper	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	0	0
Western Asiatic antiquities	British Museum, Keeper of Western Asiatic Antiquities	1	46,463
Zoology (stuffed specimens)	British Museum (Natural History), Keeper of Zoology	0	0
Totals		6,891	1,053,691,401

The figures include items licensed for temporary export

## Appendix E

Table I. Exports/dispatches and imports/arrivals of works of art, collectors' pieces and antiques, 1992-98

	Paintings, drawings etc	Other items	All items
	Value £(000)	Value £(000)	Value £(000)
Exports/dispatches			
1997-98	817,379	697,857	1,515,236
1996-97	644,032	668,249	1,312,281
1995-96	651,020	647,124	1,298,144
1994-95	622,650	646,407	1,269,057
1993-94	755,298	291,773	1,347,071
1992-93	676,806	591,517	1,168,323
Imports/arrivals			
1997-98	813,775	451,518	1,265,293
1996-97	486,052	442,465	928,517
1995-96	426,806	359,193	785,999
1994-95	879,298	531,120	1,410,418
1993-94	629,545	419,910	1,049,455
1992-93	789,563	484,490	1,274,053

Intrastat statistics for 1998-99 were unavailable at the time of writing.

Source:DTI Standard International Trade Classification (SITC) 896.

Table II. Exports of works of art, collectors' pieces and antiques to destinations outside the EU, 1998-99

	Paintings, drawings, etc	Other items	All items	% by country
	Value £(000)	Value £(000)	Value £(000)	
USA	472,543	492,356	964,899	69.9
Switzerland	139,993	73,406	213,399	15.5
Non-EU excl USA and Switzerland	68,761	132,988	201,749	14.6
Total	681,297	698,750	1,380,047	100.0

Source:HM Customs & Excise trade data

## Appendix F

### Further reading

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

Guidance to Exporters of Cultural Goods (Department of National Heritage, 1993)

Export Licensing for Cultural Goods: Procedures and Guidance for Exporters of Works of Art and other Cultural Goods (Department for Culture, Media and Sport, 1997)

Import, Export and Customs Powers (Defence) Act 1939 (2 & 3 Geo. 6 Ch. 69)  
(as amended)

The Export of Goods (Control) Order 1992 (SI 1992 No. 3092)

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

Open General Export Licence (Antiques) dated 3 September 1993

## Appendix G

### Applications considered and deferred on recommendation of Reviewing Committee: 1995-99

Year	Number of items exported	Value of items exported (£)	Number of items purchased	Value of items purchased (£)	Number of items supported by HLF/NHMF	Contribution of HLF/NHMF (£)	Number of items supported by NACF	Contribution of NACF (£)	No of items supported by MGC/V&A Fund	Contribution of MGC/V&A Fund (£)
Jan-Jun 1995	7	3,226,920	6	6,102,875	1	164,662	3	104,000	1	22,000
1995-96	10	22,287,294	10	5,361,387	8	2,652,887	8	312,250	3	52,200
1996-97	13	22,731,737	10	1,120,722	7	461,100	7	144,079	1	4,981
1997-98	7	18,896,762	7	4,169,800	3	1,180,633 <sup>1</sup>	5	376,500	2	54,500
1998-99	7	19,396,162	6 <sup>2</sup>	2,237,282	3	560,000	5	117,320	3	58,000

<sup>1</sup> A grant of £ 12,000 was also made for conservation work.

<sup>2</sup> A Roman gold finger-ring, valued at £2,352.50, was donated by the owner to the British Museum.

Appendices

Year	Item	Purchaser	Price (£)	Contribution from HLF/NHMF (£)	Contribution from NACF (£)	Contribution from MCC/V&A Fund (£)
Jan-June 1995	A George III giltwood table, by Sir William Chambers, 1774-75	Samuel Courtauld Trust	95,160	0	0	22,000
Jan-June 1995	A painting, <i>La lecture de Molière</i> , by Jean-François de Troy, c.1730	Anonymous UK buyer	4,497,672	0	0	0
Jan-June 1995	An Egyptian intel from a temple, c.1875 BC	British Museum	109,042.50	0	24,000	0
Jan-June 1995	A painting, <i>A Repentant Sinner turning away from Temptation</i> , by Johann Liss	Pyms Gallery	1,007,512.50	0	0	0
Jan-June 1995	A painting, <i>Judith with the Head of Holofernes</i> , Lucas Cranach the Elder, 1530	Burrell Collection	314,662.50	(HLF) 164,662	50,000	0
Jan-June 1995	A court dress or mantua, c.1755	Historic Royal Palaces Agency	78,826	0	30,000	0
1995-96	A Celtic strap-union from a chariot horse harness, first century AD	King's Lynn Museum	2,940.63	0	0	0
1995-96	Three letter-books and a diary of Sir William Boothby	British Library	32,500	0	0	0
1995-96	A collection of architectural drawings for Trentham Hall signed or annotated by Sir Charles Barry and others, 1834-1914	Stoke-on-Trent City Art Gallery and Museum	75,820	(NHMF) 11,465	2,000	22,600
1995-96	A lady's secretary, by Thomas Chippendale	National Trust	570,000	(NHMF) 261,500	75,000	0
1995-96	A painting, <i>Erminia finding the Wounded Tancred</i> , by Guercino	National Galleries of Scotland	3,500,000	(HLF) 1,532,000	100,000	0
1995-96	A pair of French Empire mahogany armchairs by the Parisian firm Jacob-Desmalter, c.1803-13	Victoria & Albert Museum/National Museums and Galleries on Merseyside	249,904.50	(NHMF) 150,350	50,000	0
1995-96	A Louis XVI painted and gilt bed by Jean-Baptiste II Tiliard	Leeds Museums and Galleries	82,222.50	(NHMF) 37,222	15,000	20,000
1995-96	An 'ideal' female bust, by Antonio Canova, 1817	Ashmolean Museum	695,000	(HLF) 560,000	50,000	0
1995-96	An Anglo-Saxon glass claw beaker, c. late sixth/early seventh century	Maidstone Museum and Art Gallery	25,000	(NHMF) 4,350	4,250	9,600
1995-96	A marble bust of Henry Fuseli, by Edward Hodges Baily, 1824	National Portrait Gallery	128,000	(HLF) 96,000	16,000	0

1996-97	A daguerreotype portrait of Sir John F.W Herschel, c.1848	National Portrait Gallery	27,053.75	0	8,000	0
1996-97	Three photographic negatives and one positive by William Henry Fox Talbot, 1839	National Museum of Photography, Film and Television	28,000	(HLF) 21,000	10,000	0
1996-97	A bronze modified and iron surmounted by a figure of Jupiter, attributed to Roccatagliata, late sixteenth/early seventeenth century	National Galleries of Scotland	77,752.50	(HLF) 58,300	11,700	0
1996-97	A gold box with panels by G.M Moser, c.1760	National Museums of Scotland	314,171.15	(NHMF) 225,000	30,000	0
1996-97	A Neolithic stone ball from Scotland	Aberdeen Art Gallery	8,000	(HLF) 6,400	0	0
1996-97	A painting, <i>Cup of Water and a Rose on a Silver Plate</i> , by Francisco de Zurbarán	National Gallery	305,997.10	0	0	0
1996-97	An early-seventeenth-century revolving gold signet ring	Castle Museum, Norwich	21,172.50	(HLF) 13,700	0	4,981
1996-97	A painting, <i>Eine Kleine Nachtmusik</i> , by Dorothea Tanning, 1943	Tate Gallery	156,250	0	59,379	0
1996-97	A large naval gold medal and two stars of the Order of the Bath presented to Sir William Carnegie, Earl of Northesk	Scottish United Services Museum	107,925	(HLF) 136,700 <sup>1</sup>	25,000 <sup>2</sup>	0
1996-97	A sword presented by the City of London to Sir William Carnegie, Earl of Northesk	Scottish United Services Museum	74,400			0
1997-98	A pastel, <i>Antonio Canova in his Studio</i> , by Hugh Douglas Hamilton	Victoria & Albert Museum	550,000	0	262,700	0
1997-98	A silver eggcup frame and eggcups, by Peter Archambo	National Trust	120,000	0	35,000	35,000
1997-98	A painting, <i>Girl with a Tambourine</i> , by Jusepe de Ribera, 1637	Anonymous UK buyer	1,845,637.50	0	0	0
1997-98	A chair designed by Charles Rennie Mackintosh for Houshill, 1904	Hunterian Museum and Art Gallery	160,000	(HLF) 70,000	35,000	0
1997-98	The <i>Warwick Shakespeare deed</i> , 1602	Shakespeare Birthplace Trust	135,862.50	(HLF) 101,900	0	19,500

<sup>1</sup>This figure also included a contribution towards the sword presented by the City of London.

<sup>2</sup>This figure also included a contribution towards the sword presented by the City of London.

Appendices

1997-98	A medieval bronze purse, c.1450	British Museum	15,300	0	4,300	0
1997-98	A painting, <i>Nearing Camp on the Upper Colorado River</i> , by Thomas Moran, 1882	Bolton Museum, Art Gallery and Aquarium	1,343,000	(HLF) 1,008,733 (plus 12,000 for conservation)	39,500	0
1998-99	A first-century AD bronze harness-mount	Corinium Museum	4,000	0	1,000	2,000
1998-99	Three paintings, <i>Mr William Brooke</i> , <i>Mr William Pigot</i> , and <i>Mrs William Pigot</i> , by Joseph Wright of Derby, c.1760	Doncaster Museum and Art Gallery	215,000	161,000	13,000	26,000
1998-99	A gilt-bronze figure of St. John the Evangelist, c.1180	Ipswich Borough Council and St Edmundsbury Borough Council	95,000	(HLF) 70,000	15,000	0
1998-99	A lady's secretaire by Thomas Chippendale, 1773	Leeds Museums and Galleries for Temple Newsam House	650,000	(HLF) 329,000	70,000	0
1998-99	A Charles II two-handled silver porringer and cover, c.1660, attributed to the workshop of Christian van Vlieten	Fitzwilliam Museum, Cambridge	73,282.50	0	18,320	30,000
1998-99	A painting, <i>Le Ruisseau</i> , by Paul Gauguin, 1885	Anonymous UK buyer	1,200,000	0	0	0