



Export of Works of Art 2002–2003

Forty-ninth Report of the
Reviewing Committee

appointed by the
Chancellor of the Exchequer
in December 1952

Presented to Parliament by the
Secretary of State for Culture, Media and Sport
by Command of Her Majesty, December 2003

Reviewing Committee on the Export of Works of Art

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Previous Reports

2001-02 Cm 5662
2000-01 Cm 5311
1999-2000 Cm 5019
1998-99 Cm 4466
1997-98 Cm 4056

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

1 July 2002 – 30 June 2003

To:

The Rt Hon. Tessa Jowell, MP
Secretary of State for Culture, Media and Sport

Part I: Report for the year ended 30 June 2003

Introduction

The Waverley system, within which the Reviewing Committee operates, enables the decision about an export licence application to be deferred for a period of time, if an object is found to be of outstanding historical, aesthetic or scholarly importance. It provides UK institutions and private individuals with a final chance to raise the money to purchase such items before they are exported. The total value of the 23 objects for which you accepted our recommendation that a decision as to whether to grant an export licence should be deferred was £75 million.

The past year has been a remarkable one in the history of the Reviewing Committee – indeed perhaps the most remarkable in its 50-year history. A number of records have been broken.

First, we have 'starred' four outstanding items: the Michelangelo drawing and Reynolds' portrait of Omai from Castle Howard, the Alnwick Raphael and the Jenkins Venus from Newby Hall. When the Committee considers that an item is of particularly outstanding importance we 'star' the object, which also indicates that we believe especially great efforts should be made to retain it in this country. Usually we star only one, or possibly two objects.

Second, the total value of items that have come before us this year is also a record at £75 million. This total is more than double the value of items that have been deferred in any one reporting year in the past decade, the highest having been £28 million in 1995–96. Value is, of course, by no means the only criterion by which to judge our work. It is particularly rewarding when items, sometimes of relatively low monetary value, are restored to the historical setting or region with which they are associated – for example the Ormskirk clock which we considered last year (Case 33), and, this year, the Jennens and Bettridge vases to Temple Newsam and the Mary Dillwyn photograph album to Wales.

Third, another very welcome record is that purchase offers have been made totalling £14.2 million (including *Omai*). While statistics are not readily available, this is almost certainly the highest level ever achieved in a single year.

During the past year we have also marked the 50th anniversary of the then Chancellor of the Exchequer setting up our Committee following the report of a Committee chaired by the late Lord Waverley. We hope that others will share our view, and also the near unanimous view of those who submitted responses to the Quinquennial Review of our Committee, that there remains a strong need for an independent Committee advising you in order to help preserve our heritage for the benefit and enjoyment of future generations. The huge number of people that visit our national and regional museums, galleries, historic houses and sites, archives and libraries every year, and the great success of a significant number of recent historical programmes on television show the widespread interest of people in this country in our history and heritage. This is a testament to the major success of the Government's policy of increasing accessibility. If interest in our heritage and history is 'elitist', as is sometimes claimed, then our national elite now consists of many millions of men, women and children.

Starred Items

At our meeting in November 2002 we considered Michelangelo's poignant *Study of a Mourning Woman*, which had recently been discovered at Castle Howard. The value on the licence was £7.5 million.

The National Gallery of Scotland had earlier publicly stated that they were very keen to purchase either this drawing or the other Michelangelo drawing, *The Risen Christ*, from Sir Brinsley Ford's collection, which came before us last year. This would have meant that there was a single Michelangelo drawing in Scotland. The Heritage Lottery Fund was, however, unwilling to support the purchase of *The Risen Christ*.

This illustrates one of the reasons why so few objects over £1 million are retained in this country. Galleries and museums lacking funds feel there is no point devoting a great deal of time and effort with limited staff resources to trying to secure an item and raise matching funds, when they have every good reason to believe that help will not be forthcoming from the existing major sources of such funds. Given their earlier experience with the Heritage Lottery Fund, neither the National Galleries of Scotland, nor any other body, expressed interest in raising funds to acquire *Study of a Mourning Woman*, and an export licence was issued.

We were very pleased to hear that a very generous donor had agreed to give Tate (as the family of Tate Galleries is now known) £12.5 million, which enabled the Trustees to make an offer for this magnificent masterpiece by Sir Joshua Reynolds of the Tahitian Omai, who caused a sensation when he came to this country in 1774 on board the *Adventure*. This portrait also came from the great collection of works of art built up by the Earls of Carlisle at Castle Howard. We would like to pay tribute to the generous but anonymous donor for this great gesture.

In January 2003 we considered the case of Raphael's *Madonna of the Pinks*, which had been bought as a Raphael in 1853 by the 4th Duke of Northumberland. It was later considered by scholars to be a copy until Dr Nicholas Penny, then Clore Curator of Renaissance Art at the National Gallery, recognised it as being from the hand of Raphael himself when in his early twenties. It was brought to the National Gallery and cleaned and has hung there since 1992, enjoyed by many millions of people from Britain and overseas. It is a small but outstandingly beautiful work that was painted for the private devotions of a patron of Raphael's. Its quality is very striking, especially when compared with the interpretation of the same subject by Raphael's father that hangs in the same room in the National Gallery. The value on the export licence was just under £35 million. This case has not been resolved at the time of writing, but we were delighted to learn that the Heritage Lottery Fund had awarded a grant of £11.5 million to the National Gallery's campaign to acquire the painting.

In June 2003 we considered the case of the 'Jenkins' *Venus*, valued at £8 million, from one of the most important private collections of ancient sculpture in the UK. Acquired in Rome from the Barberini collection through the agency of Thomas Jenkins and brought back to Britain by William Weddell in 1765, the *Venus* was installed as the highlight of his collection at Newby Hall in a specially created sculpture gallery designed by Robert Adam. The *Venus* is a Roman copy of the Hellenistic 'Medici Venus' type, probably created in the second century, and the story of her eighteenth-century restoration, acquisition and display is of outstanding significance for our understanding of the history of European taste and

collecting. No interest was expressed in raising funds by the end of the first two-month deferral period, and an export licence was issued.

In the past we have never starred more than one or two items in a single year. The fact that we have starred four items this year certainly does not represent any lowering of standards. Few would argue that any of the above four works should not be considered particularly outstanding.

Other Cases

In addition to the four 'starred' items, we considered this year a fifteenth-century German suit of transitional armour and a sallet made by Lorenz Helmschmied of Augsburg, both of which were exported after the deferral period. Of three Meissen figures from Longleat of a vixen, a crouching king vulture and a turkey cock, commissioned for the Japanese Palace at Dresden and found to meet the Waverley criteria, the Victoria & Albert Museum was able to acquire the model of the crouching king vulture. The Victoria & Albert Museum also acquired an armchair and dressing table designed by the architect Marcel Breuer for Highpoint in Highgate and a miniature of the *Nativity* attributed to Jean Bourdichon, and made a matching offer to purchase an emerald and diamond cross which had belonged to Queen Charlotte. However, the owner refused this offer, and the Minister of State for the Arts refused an export licence.

A Roman marble well-head, or puteal, originally from Corinth, and brought to London by Frederick North, later 5th Earl of Guilford, in the early nineteenth century, was purchased by the British Museum. A portrait by Benjamin West of the Hon. Robert Monckton, one of the most prominent British officers to take part in the Seven Years' War, was acquired by the National Army Museum, a miniature photograph album of portraits, still-life subjects and studies of fowl by Mary Dillwyn was purchased by the National Library of Wales, and letters and diaries of Claudius James Rich were acquired by the British Library. A portrait of Richard Arkwright and his family by Joseph Wright of Derby was acquired by Derby Museum and Art Gallery. The Wright of Derby was loaned to Tate Britain for display as part of the fundraising campaign by Derby Museum and Art Gallery. The Heritage Lottery Fund generously gave £999,500 and the National Art Collections Fund (Art Fund) £50,000 towards its purchase price. A sketch by Van Dyck of a grey stallion (recto) and a landscape (verso), a statue of Sir George Cooke by Sir Henry Cheere and a pair of silver wall sconces with the mark of Thomas Corbett were exported after a deferral period. A bronze incense burner attributed to Desiderio da Firenze was acquired by the Ashmolean Museum, with generous support from the National Heritage Memorial Fund and NACF.

The number of cases considered by the Committee each year – a total of 26 in 2002–03 – represents only a fraction of 1 per cent of all the objects covered by the export licensing system. There were 9,563 licence applications during the year, covering a total of 29,327 individual items and, of these, 16,561 items were referred to the Department's expert advisers. These figures underline the fact that the Department's expert advisers think long and hard before referring cases to us. The 11 items purchased by UK institutions this year represent 6 per cent of the total value of objects under deferral, and 48 per cent of the total number of deferred items.

Table 1

The statistics below show the figures for the number of cases for the period 1992-2003.

(1) Year	(2) Cases considered by the Committee	(3) Cases where a decision on the licence application was deferred	(4) Items in (3) that were not exported	(5) % of items in (3) retained	(6) Value (at deferral) of items in (4) that were not exported (£m)	(7) Value of items in (3) (at deferral) licensed for export (£m)
1992-93	21	14	6	43	0.8	21.6
1993-94	24	18	7	39	9.0	17.8
1994-95	36	29	17	59	9.3	9.1
1995-96	27	21	11	52	5.7	22.3
1996-97	29	25	12	48	1.5	22.7
1997-98	19	15	8	53	4.4	18.9
1998-99	20	17	9	53	2.5	21.0
1999-2000	18	13	10	77	4.5	5.0
2000-01	37	34	27	79	6.6	12.6
2001-02	34	31	25	81	7.5	11.4
2002-03	26	23	11	48	4.2	23.1
TOTALS	291	240	143	60	56.0	185.5

Table 2

The statistics below show the figures for the values associated with cases for the period 1992-2003.

(1) Year	(2) Cases where a decision on the licence application was deferred for a period	(3) Value of items in (2) (£m)	(4) No of items acquired by institutions or individuals in the UK	(5) Value (at deferral) of items in (4) (£m)	(6) Value of items in (4) as % of (3) (£m)	(7) Cases where application was refused or withdrawn after Committee's recommendation	(8) Value of items in (7) (£m)
1992-93	14	22.4	5	0.7	3	2	0.1
1993-94	18	26.8	6	8.9	33	1	0.08
1994-95	29	18.4	15	8.6	47	3	0.8
1995-96	21	28.0	10	5.3	19	2	0.4
1996-97	25	24.2	10	1.1	5	3	0.4
1997-98	15	23.3	7	4.3	18	1	0.1
1998-99	17	23.5	8	2.3	10	1	0.1
1999-2000	13	9.5	6	0.5	5	4	4.0
2000-01	34	19.3	23	3.7	19	4	2.9
2001-02	31	19.0	21	3.4	18	3	2.0
2002-03	23	75.1	11	4.2	6	0	0.0
TOTALS	240	289.5	122	43.0	183	24	10.88

Unresolved Cases from 2001-02

At the time of writing our last Report, there was just one unresolved deferral: the spring-driven astronomical table clock by Thomas Barry and James Moorcroft of Ormskirk, 1787 (2001–02 Report, Case 33). We are delighted to report that the clock was purchased by the National Museums Liverpool with grants of £187,500 from the Heritage Lottery Fund and of £42,500 from the National Art Collections Fund. The clock will join the Museum's significant collection of clocks and watches made in the North West, which was a centre of the horological industry in the seventeenth to nineteenth centuries, and will be displayed at the Walker Art Gallery in Liverpool.

Financing of the Purchase of Waverley Objects

In our last report we made it clear that the main reason why more Waverley items were not acquired by some museum or gallery or library or other public institution in this country was lack of funds. This view was also supported by several participants in the debate on our last report in the House of Lords on 19 February 2003 and was a widespread concern among those responding to the Quinquennial Review consultation. There can be few objects, but doubtless some, for which you defer licences on our recommendation that some institution would not like to purchase if funds were available.

In this section we first consider the funds that have generously been made available by such bodies as the National Heritage Memorial Fund and Heritage Lottery Fund, the National Art Collections Fund, which is celebrating its centenary this year, the Resource/Victoria & Albert Museum Purchase Grant Fund and others, including their support for items accepted in lieu of tax. We then address the issue of whence additional funds might be forthcoming.

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

The HLF distributes Lottery proceeds that go towards the heritage good cause. Its priorities, at national, regional and local levels, include conservation and enhancement, encouragement to more people to be involved, and making sure that everyone can learn about, have access to, and enjoy their heritage. On occasion these objectives can be achieved by the purchase of key items of significance. The HLF is prepared to make grants of up to 90 per cent of the total cost for grant awards up to £1 million and, for larger requests, grants may be awarded at up to 75 per cent. The NHMF has acted in the past as an emergency fund of last resort to protect items of outstanding interest and importance to the nation's heritage, and the assistance it provides is in memory of those who gave their lives for this country.

The table below sets out the figures for the NHMF's and HLF's commitments to acquisitions over the past eight years, including grants awarded for the acquisition of manuscript and archive material.

Year	NHMF (£ millions)	HLF (museums/galleries) (£ millions)	HLF (manuscripts/archives) (£ millions)	Total (£ millions)
1995–96	£6.25	£20.37	£0.018	£26.64
1996–97	£8.53	£13.31	£0.956	£22.80
1997–98	£5.90	£17.97	£0.431	£24.30
1998–99	£4.87	£5.04	£0.692	£10.60
1999–00	£0.66	£12.92	£0.991	£14.57
2000–01	£3.90	£8.02	£5.419	£17.34
2001–02	£4.25	£14.92	£2.600	£21.77
2002–03	£0.65	£19.29	£2.150	£22.09

In 2002–03, the HLF made available £21.44 million for acquisitions, including manuscript and archive material. The largest grant of £7.6 million was for the purchase of Titian's *Venus Anadyomene*, part of the Sutherland collection, for the National Gallery of Scotland. Other highlights were the acquisition of the Royal Photographic Collection for the National Museum of Photography, Film and Television at Bradford, of *Blaydon Races* by William C. Irving for Tyne and Wear Museums, and of a series of watercolours of the Isle of Wight by Rowlandson and Hewitt for the Isle of Wight Museum. This year, the HLF made its largest grant ever towards the purchase of a painting in awarding £11.5 million to the National Gallery's campaign to acquire Raphael's *Madonna of the Pinks*. We were also pleased to note the HLF's other contributions towards deferred items of £383,000 towards the purchase of the Meissen figure of a crouching king vulture by the Victoria & Albert Museum, £349,436 towards the purchase of the Benjamin West portrait of the Hon. Robert Monckton for the National Army Museum, and £95,000 towards the purchase of the pair of Jennens and Bettridge vases by Temple Newsam House, and their offer of £999,500 towards the cost of the portrait of the Arkwright family by Joseph Wright of Derby.

The NHMF's funds were effectively exhausted by its major grant of £17.425 million to the National Trust to help them purchase the house, contents and parts of the estate at Tyntesfield, although it also supported the acquisition of the Milton Keynes *Pot of Gold* by the British Museum with a grant of £180,000. We understand, however, that the Fund will be able to start functioning again in 2003–04 with the £5 million per annum which you have allocated to them over the next three years. Indeed, it was able to support the Victoria & Albert Museum's acquisition of a miniature of the *Nativity* attributed to Jean Bourdichon, and the Ashmolean Museum's purchase of the incense burner, attributed to Desiderio da Firenze.

Quinquennial Performance Review of the NHMF (embracing the HLF)

In our response to the consultation paper issued as part of the Review, we expressed the view, which was endorsed by the Advisory Council, that the HLF and NHMF should continue to be maintained as separate funds, particularly given the broadening of the HLF's policy objectives in recent years. We also said that

the annual allocation of grant-in-aid to the NHMF should be restored to its previous level of £12 million a year, to enable it to fulfil its purpose as a fund of last resort. The NHMF places a higher priority than the HLF on supporting the purchase of objects at risk of being lost to the nation through export and, as previously mentioned, the high value items that are deferred from export are so far beyond the reach of any UK institution that, without significant support from such grant-making bodies, they cannot attempt to acquire them.

Support from the National Art Collections Fund

The National Art Collections Fund (Art Fund) is a charity, funded by membership, subscriptions, donations, investments and legacies, whose purpose is to enrich and preserve the public collections of art in museums, galleries and historic properties. In 2002, the Art Fund offered £5.6 million in grants, including support for such major acquisitions as *Fen Lane* by Constable for Tate, an Islamic map for the Bodleian Library, Oxford, *Multiples* by Joseph Beuys for the Scottish Gallery of Modern Art, Edinburgh, and a grant to enable the purchase of the contents of the Chapel at Tyntesfield by the National Trust.

We are very grateful to the Art Fund for continuing to support the acquisition of items deferred from export in this reporting year, through the award of 6 further grants: £108,000 towards the purchase of the Guilford puteal by the British Museum, £75,000 towards the purchase by the Victoria & Albert Museum of a Meissen figure of a crouching king vulture; £43,019 towards the purchase, also by the Victoria & Albert Museum, of an armchair and a dressing table designed by Marcel Breuer in 1936; £35,000 towards the purchase by Temple Newsam House in Leeds of a pair of vases by Jennens and Bettridge; £30,000 towards the purchase by the Victoria and Albert Museum of a miniature of the *Nativity* attributed to Jean Bourdichon and £9,165 towards the purchase by the National Library of Wales of an album of photographs by Mary Dillwyn. The Fund has also offered grants of £400,000 towards the *Madonna of the Pinks* by Raphael and £50,000 towards the Arkwright family portrait by Joseph Wright of Derby.

Support from the Resource/Victoria & Albert Museum Purchase Grant Fund

The Resource/Victoria & Albert Museum Purchase Grant Fund assists with purchases of objects costing less than £300,000 for the collections of non-national museums, galleries, specialist libraries and record offices in England and Wales. During 2002–03, the Fund made 167 grants totalling £1,054,922, including an award of £30,000 towards the pair of Jennens and Bettridge vases acquired by Temple Newsam House.

Support from other grant-making bodies and supporters

The Victoria & Albert Museum's purchase of the Meissen crouching king vulture was assisted by the award of £18,650 from the Museum's Friends. An anonymous donation of £265,000 helped to secure the portrait of the Hon. Robert Monckton by Benjamin West for the National Army Museum. The British Museum's acquisition of the Guilford puteal was supported by the Museum's Caryatid Group (£57,000) and Friends (£30,000), also by the Henry Moore Foundation (£8,000) and the Society of Dilettanti (£5,000). The Friends of the National Libraries awarded £5,000 towards the purchase by the National Library of Wales of an album of photographs by Mary Dillwyn.

Acceptance in Lieu

The Acceptance in Lieu Scheme enables pre-eminent works of art and archives to be accessible to and enjoyed by the public. A wide range of items was accepted in lieu of inheritance tax during the year, including Titian's *Venus Anadyomene*, allocated to the National Gallery of Scotland; a collection of 26 classical antiquities made by Henry Howard, the 4th Earl of Carlisle, and his son, the 5th Earl, to decorate Castle Howard, which were allocated to the National Museums – Liverpool for display *in situ*; paintings, furniture and silver from Penrhyn Castle (which was itself accepted in lieu in 1951), allocated to the National Trust for display *in situ*; and the archive of typescripts of Anthony Powell, best known for his 12-volume novel sequence, *A Dance to the Music of Time*, which is awaiting permanent allocation.

Additional Funds

Table 2 shows that offers have been made to purchase some outstanding objects, notably the very generous offer of the anonymous donor to provide funds that has enabled Tate to make a purchase offer for the portrait of Omai. But even excluding the Michelangelo study from Castle Howard, this report records the loss of many important items relating to our heritage. Some will be visible in great museums overseas – but how many of the school children or even adults that throng our galleries and museums are to be found in such galleries, often many thousands of miles away – while others will be held in private collections not accessible even to scholars. Either way, they represent failures of the Waverley system which is designed to retain such objects in this country where there is the opportunity for them to be seen by many millions of our citizens.

In our report last year, we commended to you six steps that the Government might take to help meet this challenge, namely:

- Gift aid, which has recently been extended to gifts of shares and of buildings, should be extended to works of art, with provision for it to be carried forward and back. The USA, Canada and Australia all have similar schemes which provide useful models for a UK scheme. This was mentioned in a number of responses to the Quinquennial Review;
- The 'douceur' for private treaty sales, which is now much less attractive as a result of much lower tax rates, should be increased in respect of such sales;
- Ministers should either direct or at least actively encourage Trustees of the NHMF and HLF to give preferential treatment to Waverley items. Some respondents to the Quinquennial Review advocated that a proportion of these funds should be specifically set aside for such purchases. We would, of course, support such a proposal;
- Ministers should restore the NHMF to its original level of £12 million – now much reduced, not only in monetary terms but even more in real terms as a result of inflation, notably in respect of fine works of art;
- The use of Exchequer grants should be reactivated as a last resort to help retain particularly outstanding items in this country;
- VAT exemption should be extended to the non-charging university museums and galleries that are found in many university towns and cities, sometimes with several linked to a single university.

We therefore warmly welcome the statement by the Chancellor of the Exchequer in his budget speech: *“And to back up free entry to the main national museums and galleries which has raised admissions by 70 per cent, with 5 million more visitors, I now propose to review the incentives, reliefs and exemptions available to help national and regional museums and galleries make acquisitions of works of art and culture, which should not be lost to the nation but, instead, should be accessible to the people of Britain.”*

Whilst recognising that the final decision will lie with the Chancellor himself, we warmly welcome the fact that his officials are consulting interested organisations (including members of the Reviewing Committee) and individuals about the various proposals.

At this stage we would merely note that the various fiscal measures that we recommended in our last report would have very different effects. For example, generous donors, always assuming that they are UK taxpayers, would benefit greatly from extending gift aid to chattels. It also seems a wholly logical extension to the existing gift aid scheme.

It is doubtful, however, whether such a measure would be taken up by many owners of great historic collections and houses regularly accessible to the public, who need to undertake major programmes of repairs. One cause of great works from major historic collections being put on the market is the need to finance repairs. This situation will be made more acute with the abolition of One Estate Election. To this end, the possibility of fiscal relief is being explored by the historic environment sector, including a proposal put forward by the Historic Houses Association for tax relief on the maintenance of privately owned historically important properties.

On the other hand the extension of the VAT refund scheme to non-charging university museums and galleries would essentially remove an anomaly following the Chancellor’s important decision two years ago to remove VAT on purchases by national museums and galleries.

We look forward to taking part in any consultation as well as to the outcome of the studies initiated by the Chancellor, and very much hope that he will be in a position, in his next Budget or before, to announce some significant changes to the fiscal system that will enable more Waverley items to be retained in this country.

The Role of Individuals and Private Charitable Trusts

The United Kingdom has a long tradition of private support for the arts. Our museums, galleries and libraries contain many outstanding objects that either formed part of great collections in the past or are currently on loan from such collections. Indeed, it is invidious to choose some examples. The long-standing loan to the National Gallery of Scotland of 26 masterpieces belonging to the Duke of Sutherland is, however, probably the best-known loan. But such private or charitable munificence is certainly not dead. We have already paid tribute to the anonymous donor of £12.5 million for the purchase of the Reynolds portrait of Omai. An outstanding collection of silver, much of it from historic British collections, was given a few years back by the late Sir Arthur Gilbert. The Andrew Brownsword Arts Foundation purchased the great Gainsborough portrait of the Byam family sold by Marlborough College and placed it on long-term loan with the Holburne of Menstrie Museum in Bath and, more recently, has lent Lowry’s view of South Wales to the National Museums and Galleries of Wales in Cardiff. A Rothschild family trust recently

purchased the magnificent neo-classical silver dinner service made by Robert Joseph Auguste for George III as Elector of Hanover, which is now on view at Waddesdon. We are also pleased to note that the *Portrait of Omai, Joseph Banks and Dr Daniel Solander* by William Parry, which came before us last year, was later jointly acquired by the National Portrait Gallery, the Captain Cook Memorial Museum in Whitby and the National Museums and Galleries of Wales, with a very significant donation from a private charitable trust, as well as help from other charitable trusts and private individuals. This list could easily be extended.

We hope that the consultations to be initiated by the Chancellor will result in proposals that encourage such generosity. But your Department might also like to consider ways in which it can at least make potential donors aware of the opportunities for patronage of our arts and national heritage.

Special Exchequer Grants

When the Reviewing Committee was set up in 1952, one of its tasks was to advise the relevant Secretary of State on the provision of Exchequer grants in appropriate cases – the institution concerned was, of course, responsible for making an application.

Our predecessors made a number of such recommendations until the National Heritage Memorial Fund was set up in 1980. While the Committee has discussed the issue from time to time, we did not make another recommendation for such a grant out of the contingency fund until we considered the case of the Alnwick Raphael in January 2003, when we recommended that you should seek Treasury agreement for such a grant in that case. We still adhere to this advice, but believe that you may wish to wait to see what progress the National Gallery makes in raising matching funds to purchase this picture.

Given the nature of the art market, ad hoc Exchequer grants would seem particularly apposite. As Tables 1 and 2 make clear, the number of items we consider and their value differs greatly from year to year. In some years there will clearly be no case for special grants – it would be surprising if we again had to consider masterpieces by Michelangelo, Reynolds and Raphael next year. But unless the Government is prepared to consider making one-off grants in special cases, we must all honestly recognise that most items costing over £1 million that come before us will leave our shores. With the inexorable rise in the value of pre-eminent objects, we are likely to consider more such items in the future. We cannot rely on very generous benefactors coming forward regularly, as has happened in the case of Omai. On the one hand, most of our leading galleries and museums have only very limited funds available for acquisition; on the other, both the NHMF and the HLF have reduced funds available to help and have many other calls on their limited resources. While we have repeatedly paid tribute to the role of the charities and other grant giving bodies, they will usually be able to make only a limited contribution to the purchase of really high value items.

We understand, of course, that Ministers collectively will need to weigh up such calls on the contingency funds against competing demands. We would, however, note that the then Chancellor in his 1984 budget made available a special grant to the NHMF towards the purchase of Calke Abbey, Nostell Priory and Kedleston by the National Trust. Furthermore, this year the Scottish Executive made a grant of £2.5 million towards the purchase of the Sutherland Titian for the National Gallery of Scotland. We consider it is important that the Committee retains the role of advising on ad hoc Exchequer Grants and that greater use of them should be considered in the future in appropriate cases.

The Committee's Annual Report and the Export Control Act 2002

Under the Export Control Act 2002 you are required to submit an annual report to Parliament on the export licensing activities for which your Department is responsible. We understand that this will include the statistical information currently published in Part II of our report and the Minister of State for the Arts' decisions on our recommendations of cases that have been submitted to us by your expert advisers.

In January 2003 the Department published a consultation document about a draft statutory instrument (a draft order) to be made under this Act. This specifies which cultural objects will require either an open or an individual export licence. The consultation document also sought views on the future of the Reviewing Committee's own Annual Report. At the time of writing we are not aware of the outcome of the consultation exercise.

The Committee attaches the utmost importance to being, and being perceived to be, an independent advisory body that is able to provide you with objective and independent advice. We therefore attach great importance to our own Annual Report – consisting of the policy section and the reports on individual cases – continuing to be published as a separate document and not being incorporated into the new style of report that you will be required to submit annually to Parliament. We have set out our views on this issue in detail in response to the consultation exercise, and we know that these will be reported to you. Our reports have received positive recognition both in this country and internationally and have been praised in debates in the House of Lords.

We are not aware of any compelling reasons why the two reports should not be published separately, although there will be some cost implications. We therefore very much hope that you will endorse this approach and that this will not prove to be our last or penultimate report to be published as a separate document.

The Quinquennial Review

We understand that during the past year very considerable progress has been made on the Quinquennial Review of our Committee. The consultation exercise has revealed widespread support for the work of the Committee and its operations. In particular, we welcome the fact that a broad measure of agreement has been reached among members of the Steering Group on a number of issues that have been unresolved in some cases for a very long time, e.g. definitions of archives and fossils, updated rubrics to the three Waverley criteria, the treatment of collections and the valuation of objects that appear before us. On a limited number of issues that concern us, e.g. the problem of licences being withdrawn while funds are being raised or after they have been raised, we understand that unanimous agreement has not been reached.

A presentation of the recommendations will be available for the Committee when the report has been finalised.

Refusal to Grant an Export Licence

The Victoria & Albert Museum made an offer to purchase an emerald and diamond cross which had belonged to Queen Charlotte (1744–1818), the wife of George III, and which was deferred at the recommended price of just over £43,000. As well as being a fine piece of jewellery, it was of particular historic interest, as very few of Queen Charlotte's jewels still exist. The owner refused the Victoria & Albert Museum's purchase offer and the Minister of State for the Arts therefore refused an export licence in December 2002. However, it should be noted that since the value of the cross was £43,000 and the Open General Export Licence limit for jewellery had been raised to £65,000 on 1 November 2002, the Minister's refusal was no protection against a fresh application to export the cross at any figure below £65,000.

More recently, the owner of the *Portrait of Omai* by Reynolds has not accepted Tate's matching offer of £12.5 million and consequently the Minister has refused a licence.

Unlawful Export

Last year, we expressed our concern about the unlawful export of one of the Charles Dodgson glass negatives, which was referred to us by the Department's expert adviser after it was sold at Sotheby's auction of 6 June 2001. We understand that there have been difficulties about effecting the return of this item, which the Department and HM Customs & Excise are continuing to seek through dialogue with the exporter and owner. We remain concerned at the lack of progress and hope that this will be resolved as soon as possible.

Public Exhibition of Waverley Items

When hearing a case, we always ask the applicant whether the owner is willing for the object to be publicly exhibited for the purposes of fund-raising. The answer is almost invariably 'Yes'. It is, of course, generally accepted that this has to be in a secure and environmentally acceptable place, often a national institution. We were concerned to receive a negative response in the case of Reynold's *Portrait of Omai*. Had a generous donor not stepped forward, this would have made fund-raising much more difficult, as the owner was not willing to arrange for ready access for those who might contribute to Tate's appeal.

We are concerned about these developments and would draw them to your attention. When recommending deferral periods to you, one of several factors that we have to take into account is the accessibility of the object concerned for fund-raising purposes.

The Advisory Council

Our Advisory Council met in July 2003 to consider the draft of the Committee's Annual Report for 2002–03. With the exception of the Export Licensing Unit (see below), its comments on the subjects covered are fully reflected in the relevant passages of this text. The membership of the Council includes the Department's expert advisers (who refer objects to the Committee and act as 'champions' for their retention during deferral), representatives of the institutions that seek to acquire deferred items, of grant-making bodies, of the art trade and of interested associations.

The Export Licensing Unit (ELU)

Serious concern was again expressed by members of the art trade at this year's meeting of the Advisory Council about the level of staffing and hence the quality of service provided by the ELU. Similar concern had been raised at the meeting of the Council last year, when the very experienced Head of the Unit stated that she had applied for more posts to handle the workload, especially in view of the continuing increase in the number of licences to be processed, due to the European Commission's failure to propose any increase in the thresholds in line with inflation.

The Unit plays a vital role in support of Britain's art trade, which is sponsored by your Department. The workload is particularly heavy at the time of major international fairs, such as Maastricht, when a large number of temporary licences need to be processed. The Committee believes it is essential that the Department takes the necessary steps to ensure that the Unit is adequately staffed to enable it to support the British art trade, which faces other challenges, to function optimally. We welcome the fact that recently some limited additional resource has been allocated to the ELU.

Expert Advisers and Independent Assessors

The Committee would like once more to thank the Department's expert advisers for all their work in examining licences against the Waverley criteria, in preparing submissions on the cases that they refer to us, and in championing items under deferral to potential purchasers. We are very grateful for and conscious of the very considerable time and effort they take in fulfilling this role, and in helping to retain items of national importance in the UK. The outstanding quality of their expertise and commitment is a great credit not only to themselves but also to their institutions.

The Committee would also like to express its gratitude to the independent assessors who join the Committee for consideration of each case. Their expertise and advice play a vital role in our work.

Manuscripts, Documents and Archives

The Working Party on Manuscripts, Documents and Archives met in November 2002 and May 2003.

At the meeting in November 2002, members agreed a draft definition of an archive reflecting current professional understanding of the term. This was an important achievement and was warmly welcomed by the Committee. A consultation on the definition has since taken place. The Working Party also discussed how best to ensure that exporters are familiar with the issue of *extra commercium* papers, which are held for the benefit of the community at large and cannot become private property by sale or gift. An explanatory text was agreed for inclusion in the *Guidance for Exporters* notice, issued by the Export Licensing Unit. Members agreed that a note should also be issued to the appropriate funding bodies, to try and prevent the uninformed purchase of such material. Members also commissioned research on the operation of the current threshold, set in 1998, of £1,000 for Open Individual Export Licences for manuscripts and archives, to inform discussion at a later date.

The Victoria & Albert Museum reported to the Working Party on applications received by the Purchase Grant Fund. The Fund for the Preservation of Industrial and Scientific Material (PRISM) and Friends of the National Libraries also submitted written reports for discussion.

The Victoria & Albert Museum Purchase Grant Fund reported that it was two years since the ending of the dedicated Manuscript Fund, but applications in respect of manuscripts continued to compete well with all other requests for support. A total sum of £128,427 was spent on archival purchases, representing a decrease of £16,500 on the previous year. The general trend throughout the Fund was mirrored by manuscripts and archives, with fewer applications requesting higher sums of money, to purchase more expensive items. The 75 per cent success rate for manuscript cases was, however, higher than the overall rate of 68 per cent. A wide range of material was supported, ranging from *The Harp of Praise*, a seventeenth-century Ethiopic manuscript for the Bodleian Library, to a book recording details of Downton Castle estate, c. 1780, which was acquired by the Herefordshire Record Office.

A total of 20 applications to the Fund were received, of which 16 were successful. Of the cases that were not successful, one was rejected because it was outside the Fund's remit, one was transferred to PRISM and two were outbid at auction. No cases were rejected due to lack of funds, although one grant was reduced because resources were under pressure. A total of six cases related to items being bought at auction, amounting to 30 per cent of all manuscript applications.

The PRISM Fund aims to help preserve in the public domain items or collections important for the history and development of science and technology in all their aspects. The Fund was previously managed by the Science Museum, but following a full review of strategy and resourcing, the Science Museum concluded that it was no longer able to cover from its own resources the costs of operation of the PRISM Fund. Resource accepted that in order to ensure the continuity of the Fund, it should take over all aspects of its administration. Since 1 April 2003, it has been managed by Resource: The Council for Museums, Archives and Libraries.

During 2002–03, the PRISM Fund received 12 applications for grants to help with the purchase of archive and manuscript material totalling £39,882, and two applications for assistance with conservation projects totalling £9,865, one of them being a continuation of a project to conserve 650,000 glass plate negatives at the London Transport Museum. The Fund was able to support purchases ranging from archival material relating to James Watt for the Institution of Civil Engineers to a series of 24 bound volumes of specifications from the accepted tenders for the fit-out of SS *Queen Mary* for Southampton City Council, and a Physician's Handbook from Lincoln, c. 1454, containing practical tools for diagnosis, prognosis and therapy, for the Wellcome Trust. This last item was found to be of national importance and featured as case number 32 in last year's Reviewing Committee report.

There had been an increase of 50 per cent in the number of applications received compared to the previous year and the value of grants made had almost doubled. Of the above expenditure, £5,000 was on a project begun in 2001–02. No applications or claims were rejected or deferred in the last financial year due to lack of funds, but one application was rejected, two applications were deferred by the applicant and one application was withdrawn because the applicant was outbid at auction.

For the first time, the Working Party looked beyond public funding sources, and the Friends of the National Libraries kindly made information on grants available for consideration. The Friends assist libraries and record offices primarily by promoting the acquisition of printed books, manuscripts and records of historical, literary, artistic, architectural and musical interest. During 2002, they made 30 grants to

25 institutions totalling £207,453. The most notable highlights were a grant of £20,000 to the British Library for the archive of the Royal Philharmonic Society, and of £10,000 to the British Museum for about 170 letters and other documents of the Countess of Elgin (1777–1855), which are of great importance for the documentation of the historical context of the Museum's acquisition of the Parthenon Sculptures.

The Working Party applauds the important work of the Purchase Grant Fund and the PRISM Fund and is delighted that Resource has allowed this work to continue. The Working Party also expresses its thanks to advisers and administrators for both Funds, who work hard, often at very short notice, to enable applicants to acquire material in this way.

Committee membership

During the year, the appointments of Professor Rosemary Cramp and Dr Richard Dorment came to an end. The Committee wishes to express its very warm thanks for the valuable contribution of their extensive knowledge and experience to our work. We wish to welcome warmly Dr David Ekserdjian, the Editor of *Apollo Magazine*, who was appointed to the Committee in November 2002, and Dr Catherine Johns, formerly of the British Museum, who was appointed in February 2003.

The Open General Export Licence (Antiques)

In last year's Report, we mentioned the consultation about reviewing the financial thresholds (known as the OGEL limits) at which an individual export licence is required for certain cultural objects. Following that consultation, a new Open General Export Licence (Antiques) was issued on 1 November 2002. This introduced higher OGEL limits and is reproduced in Appendix H.

Review of some of the export licensing categories

During the consultation about the OGEL limits, the Department received representations about the introduction of separate categories for topographical paintings and modern British artists, with a lower financial threshold than the main paintings category (£180,000) and about the possibility of extending the definition of a British Historical Personage. The Minister of State for the Arts decided to form a Working Party to consider these issues, which includes a member of the Reviewing Committee, and the Department wrote to members of the Advisory Council on 31 October 2002 inviting them to submit their views to the Department.

Advisory Panel on Illicit Trade

Following the recommendation of the Advisory Panel in its report of December 2000, a Bill to make it a criminal offence to deal dishonestly in unlawfully removed cultural objects was introduced as a Private Member's Bill in the House of Commons in December 2002. The Bill has successfully negotiated its Commons and Lords stages, and Royal Assent is expected in early November 2003. It will become law two months after that date. By criminalising the illicit trade in cultural objects and removing London and the UK as potential outlets for the international black market, the Bill is intended to help remove the incentive for those who damage and loot sites and monuments for commercial gain.

In addition, the Panel is currently investigating the best options for an open national database of stolen and unlawfully removed cultural objects (as recommended by the CMS Select Committee in 2000 and the DCMS Illicit Trade Advisory Panel in the same year). Provision of such a widely accessible national database is regarded as integral both to strengthening the UK's new obligations under the 1970 UNESCO Convention and also to establishing the mental element in prosecuting the proposed new criminal offence.

Members of the Illicit Trade Advisory Panel also remain united in the opinion that the export licensing system offers a workable and currently under-used means of restricting the movement of those cultural objects that have recently entered the UK after their illegal exportation from an overseas country.

In the light of the UK Government's recent accession to the UNESCO Convention, the Panel has constituted a working party to examine the most effective means of:

- (a) advising on types of cultural property currently subject to looting and therefore needing extra checks on provenance before export licences are granted;
- (b) monitoring the illegal unlicensed outflow of archaeological material from the UK, including material offered for sale on the Internet; and
- (c) reviewing the system of, and instructions given to, expert advisers.

Following the retirement of Professor Rosemary Cramp, Dr Catherine Johns has kindly agreed to act as our Committee's representative on the Advisory Panel on Illicit Trade.

Part II: Operation of the control

The following figures cover the period of this Report (i.e. 1 July 2002–30 June 2003). 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 ¹	9,563	(8,744)
(b)	Number of above applications which were for manuscripts, documents or archives	1,271	(1,793)
(c)	Number of items licensed after reference to expert advisers on the question of national importance	16,561	(10,193)
(d)	Total value of items in (c)	1,471,586,111	(£1,148,245,473)
(e)	Number of Open Individual Licences issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives	16	(16)
(f)	Number of items licensed after the Department for Culture, Media and Sport was satisfied of import into the UK within the past 50 years	9,350	(8,125)
(g)	Total value of items in (f)	£5,812,720,505	(£4,626,352,655)
(h)	Number of items in (f) which were manuscripts, documents or archives	612	(823)
(i)	Total value of items in (h)	£58,959,245	(£43,730,976)
(j)	Number of items given an EC licence without reference to the question of national importance because they were valued at below the appropriate UK monetary limit ²	3,387	(3,022)
(k)	Total value of items in (j) ²	£1,205,963,595	(£1,029,821,442)

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 UK 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

During the 12 months under review, 50 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, 24 were withdrawn before they reached the stage of consideration by us. Accordingly, 26 cases were considered at 10 meetings. **Table 2** below shows for each of the last 10 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

(1) Year	(2) Cases considered by the Committee	(3) Cases where a decision on the licence application was deferred	(4) No. of items in (3) that were not exported	(5) Value (at deferral) of items in (4) (£m)	(6) No. of items in (3) that were licensed for export	(7) Value (at deferral) of items in (6) (£m)	(8) Percentage of cases in (3) where licence was eventually granted
1992–93	21	14	6	0.8	8	21.6	57
1993–94	24	18	7	9.0	11	17.8	61
1994–95	36	29	17	9.3	12 ¹	9.1	41
1995–96	27	21	11	5.7	10	22.3	48
1996–97	29 ²	25	12 ³	1.5	13	22.7	52
1997–98	19 ⁴	15	8 ⁵	4.4	7	18.9	47
1998–99	20	17	9 ⁶	2.5	8	21.0	47
1999–2000	18 ⁷	13	10 ⁸	4.5	3	5.0	23
2000–01	37 ⁹	34 ¹⁰	27	6.6	7	12.6	21
2001–02	34 ¹¹	31	25 ¹²	7.5	5 ¹³	11.4	16
2002–03	26	23	11 ¹⁴	4.2	9	23.1	39
TOTALS	291	240	143	56.0	93	185.5	38

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

² 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 case where re-application was refused.

³ Including two cases where a matching offer was refused and the Minister therefore refused an export licence.

⁴ A further four cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

⁵ Including one case where a matching offer was refused and the Minister therefore refused an export licence.

⁶ Including one case where a licence application was withdrawn during the deferral period.

⁷ Including one case where a licence was withdrawn before the Committee's recommendation was made. A further 11 cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

⁸ Including four cases where a licence application was withdrawn during the deferral period.

⁹ A further five cases were referred to the Committee, but the applications were withdrawn before a hearing took place.

¹⁰ Including four cases where a licence application was withdrawn during the deferral period.

¹¹ 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, one case where an application was withdrawn before the Committee's recommendation was made, and one case where the item was found to have been exported unlawfully.

¹² Including two cases where a licence was refused following refusal of a matching offer, one case in which a licence was issued but the sale of the item to a UK institution was subsequently being negotiated, and once case in which the licence application was withdrawn during the deferral period.

¹³ A licence was issued for a further item, but a sale to a UK institution was subsequently being negotiated.

¹⁴ Including two cases where a matching offer was refused and the Minister therefore refused an export licence.

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

Case 1

A full suit of armour c. 1495

The suit of armour is one of only three homogeneous transitional German armours in the world, and the earliest of the group. The owner, whose name was supplied to the Committee but is withheld from the report by request, applied for a licence to export the armour to a purchaser in the USA, whose name was also supplied to the Committee but is again withheld from the report by request. The value shown on the export licence application was £2,708,609.54, which represented the agreed sale price. In the event of a UK sale, the price would have been £2,801,817.24 including agent's commission and VAT.

The Master of the Royal Armouries, acting as the Department's expert adviser, objected to the export of the armour under the second and third of the Waverley criteria. Because of its exceptionally elegant form and status as the definitive example of transitional German armour, it was of outstanding importance to the study of the history of design and manufacture of armour.

The expert adviser explained that, between 1490 and 1510, there was a change in the styles of armour worn throughout Europe, with the most distinctive styles, the Italian and German, changing most radically. Italian armourers adopted the fluted decoration and symmetrical forms previously confined to the German school, and German armourers abandoned the graceful Gothic style with its angular forms and fluted decoration and adopted the bold, rounded forms previously associated with Italian armourers. This period in the development of German armour was known as the 'transitional period', between the Gothic style of the fifteenth century and the 'Maximilian' style that dominated German armour production in the first half of the sixteenth century.

This armour had been made in the important armour-making centre of Nuremberg in about 1495 (the guildmark was stamped inside the backplate) and was decorated on the breastplate with the arms and crest of Schott von Hellingen, one of the most ancient knightly families of Franconia, which could be traced back to the tenth century. In 1497, Kunz Schott von Hellingen was appointed Burggraf of Rothenburg, a castle which defended the trade routes to the east of Nuremberg. From Rothenburg he led the Franconian knights in a bitter struggle against the city of Nuremberg. The city put a price of 2,000 guilders on Kunz's head and he was outlawed by the Emperor Maximilian I in 1499. After more than 20 years of almost incessant fighting, the feud was settled in 1525 and Kunz was given safe conduct to pass through the city, to be attended by some of Nuremberg's famous doctors in the Heilsbronner Hof. He died there in the next year, and in the chapel there as late as 1757 was a tablet on which was inscribed in German: *Anno 1526, on Monday after the Holy New Year's Day died the noble and staunch Conrad Schott, Amtmann of Streitberg, whose soul is in the care of God.*

The armour had been preserved in the Nuremberg arsenal (the Zeughaus) until it was looted during the Napoleonic wars. It then passed into the celebrated collection of the Counts of Erbach in Oldenwalde, and was first mentioned there in the guidebook to the armoury published in 1812. It was purchased privately by William Randolph Hearst in 1930, taken to New York for restoration by Hearst's armourer and then returned to St Donat's Castle in Wales where Hearst kept his armoury. It was purchased privately before 1952, and had remained in private hands ever since, except in 1963 when it was loaned to the exhibition *The Art of the Armourer* at the Victoria & Albert Museum.

The expert adviser concluded that the armour was the only known nearly homogeneous transitional German armour made before 1500, and the earliest known nearly homogeneous German armour in the UK. The suit had been published in Claude Blair's *European Armour*, which remained the standard reference book on the subject, and had become in effect the definitive example of the type, thus making it of outstanding importance to the study of armour design and manufacture. It was also of exceptionally elegant form, made just before the period when surface decoration, either embossing, etching or gilding, came to dominate the artistic aspect of armour, making it of outstanding aesthetic importance.

We heard this case in July 2002, when the suit of armour was shown to us.

The applicant said that the suit was not directly associated with British history, national life or a major historical event. Equally, it was not of major importance for local history or part of a collection of the greatest historical significance. He said that the armour could not be judged as being of outstanding aesthetic importance because it had been added to, and was not preserved in or near its original untouched condition. The applicant also said that the armour added nothing more to what could be drawn from examples already in the UK, and that there were in fact two better examples of transitional armours in the Wallace Collection and at the Kelvingrove Art Gallery and Museum in Glasgow.

The applicant also stated that there were good reasons to doubt the validity of the identification of the armour as having belonged to the German warlord Kunz Schott von Hellingen. The identification was based on the existence of a simple and somewhat crudely engraved Schott family coat of arms at the top of the breast plate. The presence of a coat of arms in such a prominent location on an otherwise plain armour was not characteristic of the period and in fact was found on no other armour of that date. The fact that the arms were engraved or incised into the steel rather than etched, led him to believe that they were added later, probably in the eighteenth century, as part of the desire to identify armours with local heroes in the Romantic era.

We accepted that it was a matter for debate whether the suit had been made for von Hellingen, and that it was possible that the arms had been added at a later date, when the armour had been displayed in a Hall of Heroes. However, we agreed that the suit was an outstanding example of transitional armour, representing the earliest example of its type, and therefore of major importance for the study of the history of the design and manufacture of armour.

We concluded that the armour met the third Waverley criterion. 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 the recommended price of £2,801,817.24. We further recommended that, if at the end of the initial period of three months there was a potential purchaser who showed a 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 the Royal Armouries, Leeds, of a serious intention to raise funds with a view to making an offer to purchase the armour. A decision on the export licence was deferred for a further three months. At the end of the further three-month period, no offer to purchase had been made. An export licence was therefore issued.

Case 2

A pair of George IV ormolu and mother of pearl inlaid black and gilt-japaned papier-mâché vases, c. 1830, the vases by Jennens and Bettridge, the mounts attributed to Edward Holmes Baldock

The vases represent a second phase of the early nineteenth-century taste for Chinoiserie that followed on from the Prince Regent's enthusiastic promotion of the style at the Royal Pavilion, Brighton, in the first two decades of the century. They are early and opulent works of the firm of Jennens and Bettridge of Birmingham, known more commonly for the papier-mâché furniture and 'fancy wares' of the kind it exhibited later at the Great Exhibition. The vases incorporate the mother-of-pearl inlay that was patented by a partner in the firm in 1825, and are set with elaborate ormolu mounts in the French style, reflecting another fashion of the 1820s. Partridge Fine Arts plc applied for a licence to export the vases to Mrs. Gordon Getty, USA. The value shown on the export licence application was £185,000, which represented an agreed sale price.

The Keeper of the Department of Furniture, Textiles and Fashion at the Victoria & Albert Museum, acting as the Department's expert adviser, objected to the export of the vases under the second and third of the Waverley criteria, because of the exceptional refinement in their decoration, which drew together two traditions of Asian decoration, and their importance for the study of the history of luxury goods in Britain.

The first record of the vases at Temple Newsam House, Leeds, was almost certainly the inventory of 1869, where a 'Pair large Japanese vases in rich ormolu mounts' were recorded in the Red Drawing Room standing on a 'Pair Buhl pedestals'. They appeared in another inventory of 1891, then in a photograph of 1894, when they were shown in the Prince's Room, still on the 'Buhl' pedestals. They were almost certainly commissioned for the house in the late 1820s by Isabella, Marchioness of Hertford, who was creating a Chinese Drawing Room at Temple Newsam in 1828. Unfortunately no inventory survives from the time of her death in 1834, but her work at Temple Newsam has been extensively studied over the last 20 years and several elements of her schemes have been reinstated.

Temple Newsam was an extremely important early Tudor house, built by Thomas, Lord Darcy, in about 1500, and bought in 1622 by Sir Arthur Ingram, whose descendants owned it in more or less unbroken succession until it was acquired by the City of Leeds in 1922. In 1807, the house passed to Isabella, who had married Francis Beauchamp, later 2nd Marquess of Hertford. She had been a friend of the Prince of Wales from at least 1795, and from about 1804 their relationship became the subject of gossip and scandal. Although the exact nature of their relationship was uncertain, they remained close companions until Isabella was supplanted in the Prince's affections by Lady Conyngham in about 1820.

It was only in 1822, in her widowhood, that Lady Hertford returned to her childhood home at Temple Newsam, where she immediately set about an energetic programme of re-ordering and re-decoration. On either side of the hall she created interiors that seem to have been highly charged mementos of her years with the Prince. To the east she hung one room with the Chinese wallpaper given to her mother by the Prince in 1806, to create a vivid and fashionable Chinese Drawing Room. It was almost certainly for this room that the vases were made. It has recently been discovered that the vases remained at Temple Newsam until the sale of the house to Leeds Corporation in 1922, when they were given by the Hon. Edward Wood (later Lord Halifax) to the Meynell branch of the family at Hoar Cross in Staffordshire. They were sold at Christie's on 15 April 1999 (lot 31).

These vases were exceptionally refined in their decoration, standing out from other surviving papier-mâché products even of the most famous manufacturer. Though mention is made of large papier-mâché vessels having been made in the eighteenth century, there were no well-documented survivals. The vases brought together two traditions of Asian decoration (porcelain and lacquer), both of which had been much admired and collected in the eighteenth century, particularly in France. The elegant shape was derived from Chinese porcelain of the Kangxi period (1662–1722). The decoration related to the asymmetrically placed panels found on *famille verte* or *famille rose* vases of this shape. The black and gold colour scheme was also closely related to the variety of decoration on Kangxi vases that consisted of gilding on a black or deep blue glaze. The ornate mounts represented the epitome of the rich and intensely decorative French style fashionable in court circles in Britain in the 1820s. They also offer an example of the enrichment and elaboration of design that was frequently a feature of the highest quality revival styles of the nineteenth century. It was reasonable to assume that they might have been supplied by Edward Holmes Baldock, by analogy with the dragons on the mounts on a pair of Sèvres vases almost certainly supplied by him to the 5th Duke of Buccleuch.

The vases provided important evidence for the study of two aspects of the history of luxury goods in Britain. First, they were exceptionally large and fine examples of papier-mâché ware. One was stamped 'Jennens & Bettridge, London', indicating that they were made by the largest, best-known and most ambitious manufacturers in Britain. Well-documented evidence of their early wares was sparse and only two comparable ormolu-mounted pieces of similar date were known.

The second point of interest lay in the relation of the vases to Lady Hertford's scheme for her new Chinese Drawing Room. She took the Prince's enthusiasm for Chinoiserie and carried it forward by blending it with authentic French *boiseries* of the early eighteenth century, re-used as architectural salvage. Lady Hertford used the 1806 gift of wallpaper to her mother with a variety of other materials. In the lobby to the room, cupboards were faced with Régence French panelling that was painted over in the style of Chinese lacquer. In the room itself, she replaced door architraves with others of Louis XIV date carved with Berain-esque ornament. The framing of two inset bookcases came from a similar source, while their doors were set with Japanese lacquer that echoed japanned panels on the specially-cased cabinet piano, with panels japanned in imitation of lacquer and giltwood legs that may have come from a Louis XIV table. All the woodwork was painted a blue-green, with some traces of purple paint on the panels of the doors. This combination of colours, interestingly, was what Messrs Crace had proposed for the Music Room at Brighton in 1817, just as the Marchioness was losing her position as the Prince's favourite.

The Chinese Drawing Room retained substantial elements of its decoration, including its wallpaper, its lacquer-panelled bookcases, and the French panelling enlivened with japanning. The Broadwood cabinet piano was still shown in the room but in the absence of any inventory taken on Lady Hertford's death, there is no early record of the complete furnishings. The splendid vases formed, without doubt, part of those furnishings, and their retention in the UK would offer a unique opportunity to restore them to their original setting.

We heard this case in July 2002, when the vases were shown to us.

The applicant agreed that the vases and their mounts were worthy of any great collection and that he very much hoped that they would return to Temple Newsam House should the licence be placed under deferral.

We concluded that the vases met the third Waverley criterion. We therefore recommended that a decision on the export licence application should be deferred for a period of three months to enable an offer of purchase to be made at the agreed fair market price of £185,000. We further recommended that, if at the end of the initial period of three months there was a potential purchaser who showed a 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 Leeds Museums and Galleries Service of a serious intention to raise funds with a view to making an offer to purchase the vases. A decision on the export licence was deferred for a further two months. We subsequently learned that the vases had been acquired by Temple Newsam House, with assistance from the Heritage Lottery Fund, the National Art Collections Fund and the Resource/Victoria & Albert Museum Purchase Grant Fund.

Case 3

A stone cross-shaft

Rupert Wace Ancient Art Ltd applied for a licence to export a stone cross-shaft to a purchaser in the USA whose name was supplied to the Committee but is withheld from the report by request. The object was described on the licence application as an 'Anglo-Saxon stone cross-shaft from a wheel-headed cross, four tapering sides decorated with panels of designs covered in relief, dated 8th century AD, 122 cm high'. The value shown on the export licence application was £464,000, which represented an agreed sale price to the buyer.

The application was referred to the Keeper of the Department of Medieval and Modern Europe at the British Museum who acts as the Department's expert adviser on Anglo-Saxon artefacts. The expert adviser concluded that if the cross-shaft was Anglo-Saxon as described, there would be a case for objecting to its export under the Waverley criteria. However, he had concluded that the cross-shaft dated from the late nineteenth to early twentieth century, and considered that it might nevertheless be referable to the Reviewing Committee under the Waverley criteria as an example of a late nineteenth- or early twentieth-century exercise in producing a cross shaft in the Insular (Anglo-Saxon and Celtic) tradition.

The case was referred to us as an Anglo-Saxon item and we heard it in July 2002, when the cross-shaft was shown to us.

We learned that the cross-shaft had been acquired by the applicant at an auction in Norfolk on 16 November 2001. The owners who had placed it at auction were a company based in Gayley, Staffordshire, who stated that the cross had been found on land owned by them at Gayley, scheduled for development. The cross-shaft was exhibited at the Grosvenor House Antiques Fair in June 2002, where it was described as having been found in Gayley, Staffordshire, probably having been brought there at some later point in its life.

The expert adviser's research had revealed that there was no record in the literature of any Anglo-Saxon cross-shaft at Gayley. The *Victoria County History of Staffordshire* (VCH) made it clear that there was no church or chapel at Gayley before 1850, when the present church was built. Gayley lay within the large ancient parish of Penkridge, which had a medieval church. The VCH also recorded that, in 1929 and 1937, two areas of the churchyard were taken out for a road-widening development, which could have provided a context for monuments to have been removed at that time. An even more likely period for the removal of this cross-shaft would have been when the church was made redundant and converted to commercial use in the later 1970s or 1980s; at this time, a large part of the former churchyard was cleared of all monuments. In the expert adviser's opinion, the present condition of the stone was consistent with its having been roughly handled and damaged during a demolition process and subsequent traction.

The cross-shaft was of a form of granite, for which there were sources in Anglesey as well as in the Midlands but the local stone at Gayley was apparently a sandstone. It was of some relevance that the surviving portion of the churchyard contained three cross-shafts in Insular style, two dated by their inscriptions to the early twentieth century; two of these were also of granite, the third was of sandstone.

Across Britain and Ireland, there were many such nineteenth- and twentieth-century crosses in cemeteries and other public contexts that were carved in the Insular tradition; but most, like the crosses still surviving at Gayley, were fairly pedestrian pieces, often variations on well-known pieces such as the St Martin's cross on Iona or carved to a standard vocabulary of interlace motifs, usually coupled with a ring-head. A few showed more ambition. The memorial to the Reverend du Boulay Hill in the church at East Bridgeford (Nottinghamshire) incorporated motifs taken from Anglo-Saxon sculptured fragments in the church and may well have been designed by du Boulay Hill, himself an expert on the Anglo-Saxon cross shafts of Nottinghamshire. Another example of the high quality that could be achieved by nineteenth-century sculptors was the monument to Bishop Wordsworth (d.1885) at Riseholme (Lincolnshire) by J.A. Reeve. There was no published study of which the expert adviser was aware of modern exercises in this tradition.

The cross-shaft under consideration sat within this tradition of Insular copies, but differed from most of the monuments described above in the highly academic quality of its design and the precision of its execution. Almost all the motifs, or near parallels, could be found on existing monuments in the Anglo-Saxon, Welsh and Scottish corpora of early medieval sculpture, many of which were published in numerous nineteenth- and early twentieth-century works, such as Owen Jones, *The Grammar of Ornament* (London 1856), J Stuart, *The Sculptured Stones of Scotland* (2 vols, 1867), Joseph Anderson, *Scotland in Early*

Christian Times, 2nd edition (1881), and J. Romilly Allen, *The Early Christian Monuments of Scotland* (2 vols, Edinburgh 1903). In particular, Romilly Allen's photographs and detailed analysis drawings of different kinds of ornament illustrated exact parallels to the key patterns on the cross shaft (faces 1, 2 and 3), to the knotted interlace on face 4, and to the highly unusual pelta pattern at the base of face 1. The distinctive large pellets which occurred in the upper panels on faces 1 and 2 recalled the occurrence of similar small bosses on the Iona group of crosses. The expert adviser believed that the carver either knew publications such as these, or had himself studied widely the monuments of the period, or good images of them – for example, similar motifs to the double and triple interlace patterns on faces 1 and 2 occurred on some Welsh crosses, which could have been reasonably accessible to a sculptor working in the West Midlands. More difficult to parallel precisely were the peltate element at the top of face 2, and the triquetra-knotted interlace motif on face 3, which appeared to be fresh inventions.

Although the cross-shaft had elements – the interlace in particular – which would be at home in a Midlands Anglo-Saxon context, many of the motifs employed, as indicated above, were more typical of Welsh or Scottish monuments of the period, which was a further argument against an early medieval origin, if the stated find-place represented the original context of the cross.

The grounds on which the expert adviser argued that this piece was of nineteenth- or early twentieth-century date did not rest entirely on the vocabulary of its ornament and its possible sources of inspiration, suggestive though they were.

Although the cross showed every sign of having been exposed to the elements for some time, as well as signs of accidental damage, the carving was exceptionally crisp and sharp, and executed with almost mechanical precision – unlike its early medieval parallels. There was no sign of paint, even in the deep and narrow cutting of the key patterns, though most early medieval monuments had at least some traces visible under magnification. There were very crisp and clear traces of claw chisel work, unknown before c. 1200, and possibly even of the corduroy tooling favoured by Victorian sculptors, using a chisel powered by compressed air. Early medieval cross-shafts, most of them erected in the open air, rarely displayed clear chisel traces, and certainly not crisp claw marks of this kind.

There also remained the issue of what the missing cross-head could have looked like. The cross was clearly intended to have a ring head, as the vestiges of a carved ring below the broken end of the shaft indicated, and the way in which that articulated with the lower arm of the cross could be paralleled on many of the flat Scottish cross slabs, and on some of the standing crosses, particularly the Iona group. The interlace and unusual pelta decoration in the upper panels on faces 1 and 2 would have flowed into the cross-head, perhaps abutting onto a central roundel, again as on the Iona group and related pieces. It must have been an ambitious decorative scheme, and one might even speculate as to whether it was ever even completed.

The applicant, having conducted his own research and obtained an analysis of a stone sample from the cross-shaft from the Natural History Museum, did not doubt the antiquity of the piece.

We were joined for the hearing by three independent assessors, who had been engaged for their expertise in Anglo-Saxon artefacts. Professor Rosemary Cramp, a leading expert in the carving on Celtic crosses, was also a member of the Committee at the time of the hearing. After discussion with them, we reached the

unanimous view that the cross was not Anglo-Saxon and that it probably dated from the late nineteenth to early twentieth century. We therefore did not feel able to make a recommendation to the Minister regarding the case, because the description on the licence as Anglo-Saxon did not accord with our considered opinion of the cross-shaft as a later object. As the meeting had been convened to assess the cross-shaft as an Anglo-Saxon artefact, there were no experts or independent assessors present who had the relevant expertise to advise whether it might meet any of the Waverley criteria as a late nineteenth- to early twentieth-century object.

We invited the applicant to consider our conclusion. Whilst the hearing had provided an opportunity for the applicant to present information to support the attribution of the cross-shaft as an Anglo-Saxon item, the Committee wished him to have a further chance to present evidence to substantiate the description on the licence application. Alternatively, the applicant was advised that if he decided that he did not wish to challenge our conclusion and wished to proceed with the application for an export licence, he could either instruct the Department to amend the current application to reflect our conclusion that the cross-shaft was not of Anglo-Saxon origin and that it was of a substantially later date; or he might withdraw the current application and re-apply, again on the basis that the cross-shaft was not of Anglo-Saxon origin. In either case, it was explained that the application would be referred to the appropriate expert adviser for scrutiny under the Waverley criteria.

The applicant decided to ask the Department to amend the application, even though he had not changed his view that the item was Anglo-Saxon. The cross-shaft, described as an item of nineteenth- to twentieth-century date, was referred to the Department's adviser at the Victoria & Albert Museum, who did not object to its export. The applicant did not wish to amend the valuation on the application in the light of the alteration to the dating of the piece, because it represented the agreed sale price. However, the Department, in issuing a licence, also issued a covering letter with it to say that the granting of the licence did not endorse the valuation.

Case 4

A sallet by Lorenz Helmschmied, c. 1480

The visored sallet or helmet is made of steel. The owner, whose name was supplied to the Committee but is withheld from the report by request, had applied for a licence to export it to a purchaser in the USA, whose name was also supplied to the Committee but is again withheld from the report by request. The value on the export licence was £1,470,514.62, which represented the agreed sale price. In the event of a UK sale, the price would be £1,590,220.56 including the agent's commission plus VAT.

The Master of the Royal Armouries, acting as the Department's expert adviser, objected to the export of the sallet under the second and third of the Waverley criteria, because of its outstanding significance for the study of historical armour and its aesthetic importance in terms of craftsmanship, form and decoration.

The sallet was considered one of the most important helmets in private hands in the world. A study by Dr. Bruno Thomas of the Kunsthistorisches Museum in Vienna revealed that this helmet, together with a

number of other pieces from the Imperial Arsenal in Vienna, were given by Charles VI to Count Breuner of Schloss Grafenegg in eastern Austria. The collection of Count Breuner passed by marriage to the Dukes of Ratibor, and the sallet was purchased by William Randolph Hearst at the Duke Viktor von Ratibor sale at Lucerne in 1934 for his collection at St Donat's Castle in Wales. It had remained in the UK since that time, except for loan to the *Charles Quint et son temps* exhibition in Ghent in 1955, and was acquired privately in 1952.

The helmet itself was one of a series of sallets made in German workshops in the 1480s and 1490s, which were characterised by their long articulated tails. What set this sallet apart, the superb craftsmanship of its manufacture aside, was the absence of a turned lower edge and the series of rivet holes, many retaining latten rivets, at that edge. These betrayed the former existence of an applied gilt latten border, and only a small number of German armours of the late fifteenth century with this feature were known. All of them were products of Lorenz Helmschmied of Augsburg, the foremost armourer of his day, and were largely preserved in the Kunsthistorisches Museum in Vienna. Two of the pieces bore a maker's mark, the helm surmounted by the cross of Lorenz Helmschmied together with the fircone mark of Augsburg, but the attribution of the unmarked pieces, like that of the sallet, was unchallenged. Two of these armours were made for the Archduke Sigismund, while two more were made for the Emperor Maximilian I. Comparison between the fretted ornament at the centres of the lames of the tail of the sallet and this series of Imperial armours revealed that the closest comparison was with the armour of Maximilian I at Vienna. Detailed comparison of the small latten rivets that originally retained the fretted gilt latten border confirmed this identification, both of the Sigismund armours having their latten borders attached by larger rivets.

The sallet was generally accepted as the missing helmet of one of the most artistically and historically important armours in the world, the armour known as A60 in Vienna. The helmet was reunited with the rest of the armour for the Ghent exhibition in 1955, and seemed generally to be accepted as the right helmet for the armour. Anecdotal evidence survived that prior to the sale of 1934, Dr. Ubrecht of Galerie Fischer had the fragments of the latten border which still existed, and which would have proved the association of the sallet, removed, against the attempts of Hans Schedelmann to prevent him.

We heard this case in September 2002, when the sallet was shown to us.

The applicant said that the sallet could not be considered as being of outstanding aesthetic importance as it was not preserved in its original untouched condition. The armour known as A60 in Vienna was decorated with applied borders of gilt copper-alloy. This important feature was entirely missing on the sallet. Consequently, if the attribution to Imperial ownership was to be upheld, the sallet could only be seen as being incomplete.

The applicant believed that the sallet added nothing more to that which could be drawn from other similar pieces already preserved in public institutions in the UK, and was not therefore important for study. It dated from around 1480 and was a type of helmet that was in common use at that time. The applicant stated that there were many sallets in the UK available for the study of this period of history. Most of these were held in the Royal Armouries or the Wallace Collection. The sallet could not therefore be said to be of outstanding significance for the study of some particular branch of art, learning or history.

We concluded the sallet met 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 the agreed fair market price of £1,590,220.56 including VAT. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed a 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 Royal Armouries of a serious intention to raise funds with a view to making an offer to purchase the helmet. A decision on the export licence was deferred for a further four months. An offer to purchase the sallet at the agreed fair market price was not made within the second deferral period and a licence was therefore issued.

Cases 5-8

Meissen porcelain figures of a vixen, turkey cock, king vulture and crouching king vulture, c. 1732

The four white Meissen figures of a vixen, turkey cock, king vulture and crouching king vulture are made of porcelain. Christie's had applied to export the vixen and turkey to a purchaser in Los Angeles, USA, and the king vulture and crouching king vulture to a purchaser in Bremen, Germany, whose names were supplied to the Committee but are withheld from the report by request. The values shown on the export licence applications were £1,069,438.75 for the vixen; £845,938.75 for the turkey cock; £387,763.75 for the king vulture; and £510,688.75 for the crouching king vulture. These values represented the hammer price, plus buyer's premium and VAT on the premium at Christie's sale of *Furniture, Silver and Porcelain from Longleat*, 13 June 2002 (lots 350, 351, 352 and 353).

The Senior Curator and Head of the Ceramics and Glass Collection from the Department of Sculpture, Metalwork, Ceramics and Glass at the Victoria & Albert Museum, acting as the Department's expert adviser, objected to the export of each figure under the second and third of the Waverley criteria, because of the aesthetic and technical achievement evident in the figures. She said that the life-size ceramic sculptures were among the most important and ambitious early European porcelain productions and were a major landmark in the world history of ceramics.

The animals were made for Augustus the Strong (1694/7–1733), Elector of Saxony and King of Poland, one of the wealthiest monarchs and most important patrons of the arts of his age. They were from a very large group of animals and birds ordered from the Meissen factory for the porcelain menagerie that Augustus planned for the upper floor of the Japanese Palace at Dresden. Conceived in 1730, this was intended to complement his existing menagerie of live animals at the Moritzburg, and his collection of stuffed animals at the Zwinger (both nearby in Dresden), the three collections being intended to demonstrate the Elector's culture and taste (porcelain sculptures), his power (live animals), and his scientific knowledge (taxidermic collections).

Augustus's project remained unparalleled in the history of ceramics. The order for these large beasts came only 20 years after the foundation of the Meissen factory, the first European factory to succeed in the manufacture of 'true' (or hard-paste) porcelain of the Chinese type. In 1730, when the project was conceived, Meissen had made few large wares and had very little experience of sculptural production; indeed, at this date no porcelain sculptures on the scale of the largest Japanese Palace animals had been attempted anywhere in the world. The size of the project was also extraordinary, for according to a list of 1734, as many as 597 animals and birds were planned for the palace. Most were to have been produced in editions of eight from moulds made from original models provided by the sculptors Kirchner and Kaendler. While in the event this quantity of figures was not realised, an inventory listed as many as 458 examples at Dresden in 1736. Not surprisingly, their production became such a drain on the factory's output and resources that work on the scheme was abandoned sometime before 1739.

The factory's arcanists (the men who prepared the porcelain body – or 'paste' – and glaze) had been obliged to develop a new porcelain body for the production of these large animals, which could bear the weight of the sculptures during the second, high temperature glaze firing, when the material softened in the kiln. The factory had experimented with the porcelain formula for the animals (which accounted for the variations in surface finish and colour) and the incised numbers on some examples, including the upright vulture, indicated the formula used. Despite these efforts, most of the animals exhibited fire-cracks (particularly at the base, where the greatest stresses occurred during the firing). However, these should not be thought of as defects in the normal way, but rather as an inevitable consequence of the attempt to make such large figures in the material, which pushed the newly discovered porcelain technology to the limit.

Augustus had specified that all the animals were to be in natural colours, but it had been thought too risky to put the large models through the kilns for an enamel firing, so these larger sculptures were painted in unfired pigments by the court lacquerer, Christian Reinow. Reinow's invoices showed that bright colours were used, but these had faded over time and on the majority of examples had been completely removed. The survival of green and red pigments on the crouching vulture was exceptional.

The factory modeller Johann Gottlieb Kirchner (b. 1706) had been put to work on the project in 1730. In 1731 Johann Joachim Kaendler (1706–75) was taken on as Kirchner's assistant, specifically to provide models for the life-size animals. Kaendler was one of the most important figures in eighteenth-century ceramics, and arguably the greatest porcelain modeller of his era. He later modelled many of the finest Meissen figures and wares, in so doing establishing the conventions that defined the porcelain figure as a sculptural genre. The majority of the models for the Japanese Palace animals were by Kaendler, as Kirchner had been dismissed from Meissen in 1733. Some of Kaendler's earliest models for the commission were based on prints, but thereafter he made increasing use of the live animals in Augustus's collection, with the result that many of his later models were extraordinarily lifelike. The turkey cock, with its plumage displayed and hanging wattle, was a magnificent example of the vigorous naturalism of Kaendler's modelling.

We heard these cases in September 2002 when the figures were shown to us.

The applicant said that none of the figures had a particularly long-standing relationship or strong cultural resonance with the nation. The animals had not been in the UK prior to the 1850s and seemed to have arrived at Longleat shortly after that time. None of them had any prior association with the family or house.

The applicant also said that the model of the vixen was one of a series of which a virtually identical and superior model still existed at Longleat. The item did not add anything to what was known about the models and there were versions in better condition already on display within the UK. Similar models of the turkey also still existed at Longleat, Raby Castle in Northumberland and Waddesdon Manor. The model under consideration had more firing cracks and more damage and repairs to its tail section, neck and beak, all of which had been re-bonded. The upright king vulture was represented in collections at Longleat, Raby Castle, Dresden, and New York. The crouching king vulture was somewhat disfigured by the remnants of its cold-painted decoration and its crouching posture made it less desirable than the upright posture of the other two versions. Similar crouching king vultures could be seen at Raby Castle, Dresden and New York.

The applicant therefore maintained that there was no reason why the objects should not be exported. Six important Meissen animals remained at Longleat: an exactly similar king vulture, a turkey, a lion, an elephant, a fox and a crane. These were in addition to the model of the goat at the Victoria & Albert Museum, the turkey at Waddesdon and the turkey, rooster, eagle, king vulture and pelican at Raby Castle. If the items under consideration were to be exported there would still be a sufficiently representational group within the UK available to both the public and scholars alike.

The expert adviser argued that the colour was a rare survival and therefore of great interest for study. The king vulture remaining in the collection at Longleat had slumped during firing, making it less aesthetically important, although it had fewer firing cracks than the example under consideration.

Case 5

Meissen figure of a vixen

We concluded that the vixen met the second and third of the Waverley criteria. We therefore recommended that a decision on the export licence application be deferred for a period of two months to enable an offer to purchase to be made at the agreed fair market price of £1,069,438.75. We further recommended that, if at the end of the initial two month period there was a potential purchaser who showed a serious intention to raise funds with a view to making an offer to purchase, the deferral should be extended by a further three months.

Case 6

Meissen figure of an upright king vulture

We concluded that the figure of the upright king vulture did not meet any of the Waverley criteria and therefore recommended that an export licence be granted.

Case 7

Meissen figure of a crouching king vulture

We concluded that the crouching king vulture met the second Waverley criterion. We therefore recommended that a decision on the export licence application be deferred for a period of two months to enable an offer to purchase to be made at the agreed fair market price of £510,688.75. We further recommended that, if at the end of the initial two month period there was a potential purchaser who showed a serious intention to raise funds with a view to making an offer to purchase, the deferral should be extended by a further three months.

Case 8

Meissen figure of a turkey cock

We concluded that the turkey cock met the third Waverley criterion. We therefore recommended that a decision on the export licence application be deferred for a period of two months to enable an offer to purchase to be made at the agreed fair market price of £845,938.75. We further recommended that, if at the end of the initial two month period there was a potential purchaser who showed a serious intention to raise funds with a view to making an offer to purchase, the deferral should be extended by a further three months.

We were informed by the Victoria & Albert Museum of a serious intention to raise funds with a view to making an offer to purchase the figure of the crouching king vulture. A decision on the export licence was deferred for a further three months. We subsequently learned that the crouching vulture had been acquired by the Victoria & Albert Museum with assistance from the Heritage Lottery Fund, the National Art Collections Fund and the Friends of the Victoria & Albert Museum.

At the end of the initial two-month periods, no offers to purchase the vixen or turkey figures had been made and we were not aware of a serious intention to raise funds. Export licences were therefore issued.

Case 9

Queen Charlotte's emerald and diamond cross

The cross is composed of six clusters, each set with an emerald in a closed gold setting within a border of open-set diamonds. At the intersection of the cross are four emerald buds in gold settings, each with a pair of diamond leaves. Two further emerald buds are placed above the lowest of the emeralds forming the upright of the cross. The gold setting beneath the central setting is engraved 'CR' under a royal crown. The cross measures 7 cm high. The engraved monogram and the family tradition that the cross had belonged to Queen Charlotte were supported by an entry in Christie's' sale catalogue of Queen Charlotte's jewels, 18 May 1819 (lot 77). Sotheby's applied to export the cross to Mr Alexander M. Vik, USA. The value shown on the export licence was £43,019.38. This value represented the hammer price, plus buyer's premium, plus VAT on the buyer's premium.

The Acting Curator of the Metalwork, Silver and Jewellery Collection at the Victoria & Albert Museum, acting as the Department's expert adviser, objected to the export of the cross under the third Waverley criterion because its rarity and historical association made it of pre-eminent importance to the study of jewellery.

As the wife of George III, jewels were at the centre of the court life which Princess Sophie Charlotte of Mecklenburg-Strelitz (1744–1818) upheld throughout both the happy days of her marriage and the dark times of her husband's illness. On her first evening in London, shortly before her wedding, she was taken to see the jewellery ordered for her by George III. The King had brought back from Hanover the jewellery that his grandfather had sent there for safe-keeping, and had spent £54,000 on buying from his uncle, the Duke of Cumberland, his portion of George II's jewels.

To Charlotte's share of this substantial collection, and to the jewels she brought with her, were to be added further gifts during the course of the reign: not only from the King, particularly on such occasions as the birth of her children, but from the riches of the East. She received a share in the diamonds and pearls sent to George III in 1765 by the Mughal Emperor, a carved emerald bunch of grapes from Mrs. Warren Hastings, and diamonds and a diamond ring from the Nawab of Arcot. An account in *The Lady's Magazine* of the reception to honour the King's birthday on 4 June 1800 gives an idea of the extent to which London was impressed by the Queen: 'she surpassed anything of the sort ever displayed in this or any other kingdom', wearing festoons with diamond bands, magnificent bows and tassels of diamonds, 'a superb diamond stomacher and necklace and a beautiful diamond bouquet: her headdress was chiefly composed of a magnificent bandeau with brilliant drops of immense value'.

The effect of Charlotte's will, signed on the day before her death in 1818, was to divide her jewels into three parts: her marriage jewels, which were left to her husband, or, if he did not recover his mind, the House of Hanover (these eventually passed to the Princes of Hanover at the settlement of 1858); the Arcot diamonds, which were to be sold for the benefit of her four youngest daughters (the diamonds were sold in the 1830s); and her other personal jewellery, which was to be divided for the same beneficiaries. Charlotte's personal jewels were sold in a number of auctions of her collections conducted by Christie's, but principally in a three-day sale beginning on 17 May 1819, accompanied by *A Catalogue of A Superb Assemblage of Jewels*, amongst which was to be found lot 77 on the second day, which could reasonably be identified as the diamond and emerald cross under consideration.

The cross was a beautiful piece of jewellery that complemented the rest of Charlotte's collection, but it also represented the devotion that ran through her life from her youth in Germany to her death after nearly 60 years as Queen. As a young woman she described herself as a 'Chanoinesse' of a reformed convent under Imperial protection at Herford in Westphalia, and she had the cross and order of the convent. She was wearing a cross, possibly the cross of her order, in a portrait that was thought to be the one sent to George III in June 1761 when he was in search of a bride. In an engraving by Frye in 1762, Charlotte wore a cross among a spectacular collection of diamond jewellery and pearls. A diamond cross was among the jewels that returned to Germany in 1858 after the Hanoverian Settlement.

The date of acquisition by Charlotte was of potential importance, not least because of the open setting of the diamonds clustered around the emeralds. While there were examples of stones being open-set (without a backing) from earlier centuries, the general change from the close-setting of diamonds to open-setting, which took place during the eighteenth century, was a highly significant stage in the design and making of jewellery. Although the change began much earlier in the century, surviving examples of open-set diamond (as opposed to paste) jewellery were rare until the end of the eighteenth century. If Queen Charlotte's cross dated from 1790, as the sale catalogue of June 2002 proposed, the open-setting of its diamonds was already of considerable technical interest. If it dated from the middle of the century, as the design suggested, it would become of even greater significance.

Although Charlotte's nuptial crown survived in Germany in the collection of the Princes of Hanover, only four rings remained in Britain in the Royal Collection. Diana Scarisbrick's article *Jewellery of the Queens of England: Queen Anne to Queen Charlotte* for the annual handbook of the British Antique Dealers' Association, 2002, stated that she knew of no surviving example in Britain of Charlotte's gem-set jewels dispersed by Christie's in 1819. The appearance of the emerald and diamond cross under consideration gave some grounds for hope that other jewels might come to light, but the pressure to re-set precious stones meant that it was most unlikely that more than one or two examples might be lying hidden. The cross was firmly associated with a British queen who was justly celebrated for her magnificent jewellery, of which almost nothing survived in Britain. It was an object of great rarity and, as an example of the open-setting of diamonds, was of considerable technical interest.

We heard this case in October 2002, when the cross was shown to us.

The applicant said that the cross in itself was not an exceptional piece of jewellery, either generally or for its period. Its association with Queen Charlotte might make it of importance under the first Waverley criterion but Queen Charlotte could hardly be described as an important historical figure because she played no part in the politics of the period.

We concluded that the cross met the first 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 be made at the agreed fair market price of £43,019.38. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed a 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 of an offer by the Victoria & Albert Museum to purchase the cross. A decision on the export licence was deferred for a further two months. We subsequently learned that the owner of the cross had refused the Victoria & Albert Museum's offer. An export licence was therefore refused.

Case 10

A miniature photograph album by Mary Dillwyn (1816–1906)

The miniature album (11.1 x 8.8 cm) contains 42 salt prints and one albumen print of family portraits, still-life studies and studies of fowl, dating from the 1840s to early 1850s. Sizes vary from 6 x 4.5 cm to 10.1 x 7.9 cm or the reverse. One is titled in pencil on the *verso*; 17 are initialled *M.D.* and 36 are titled in ink on the mount. Nine are trimmed oval, one with an arched top and 29 with clipped corners. Each is mounted one per page on coloured paper; the albumen print loosely inserted. The album is inscribed *Susan M... Franklen – Clemenstone* in ink on the front free endpaper and is covered in dark blue leather, with gilt lettering and border. Christie's had applied for a licence to export the album to a purchaser in the USA, whose name was supplied to the Committee but is withheld from the report by request. The value shown on the export licence application was £49,165. This value represented the hammer price, plus buyer's premium, plus VAT on the buyer's premium at Christie's sale of 10 May 2002 (lot 24).

The Head of the National Museum of Photography Film and Television, acting as the Department's expert adviser, objected to the export of the album under all three of the Waverley criteria because it was a unique item with work by Mary Dillwyn, who had made a significant but largely overlooked contribution to the development of the art of photography.

Mary Dillwyn was born in Swansea in 1816, the youngest child of an eminent scientist, Lewis Weston Dillwyn, and a local heiress, Mary Llewelyn. At the time, Swansea was being transformed from a small seaside town into a world centre of metal smelting. Enterprising and intelligent men like Lewis Weston Dillwyn settled in the town to establish industries that grew using the new scientific knowledge of their founders. The mixture of the artistic sensibility of middle-class society and the scientific expertise of its industrial pioneers made Swansea an intellectually vigorous town. William Henry Fox Talbot, spending his school holidays with his cousins in nearby Penrice, was excited by the town and by the scientific and cultural entertainments of the Swansea season. For Mary's father, science was a part of family life. The great scientists of the day, such as Sir Humphrey Davy and Dr. William Wollaston, were his natural companions and visited him at Swansea, and his diary is full of comments about scientific curiosities that intrigued him and members of his family.

The Dillwyns were on good terms with the Talbots of Penrice and in 1833, Mary's brother John married Emma Talbot, cousin of William Henry Fox Talbot. When Henry announced his discovery of photography in 1839, it was natural that he should send samples of his magical invention to his Welsh cousins at Penrice. A letter to Henry from his cousin Charlotte thanks him for the samples and tells him of the excitement they caused among the young men of Swansea, including Calvert Jones and Mary's brother John Dillwyn Llewelyn, who had immediately taken up photography themselves. There can be no doubt that Mary, just 23 years old when Fox Talbot announced his discoveries, was involved with photography from its beginnings.

John Llewelyn's portraits were rather firm and formal. His sitters were often posed around a table or chair, facing the camera, and included many of the leading figures of Victorian Swansea. In contrast, Mary's portraits were vivid and spontaneous and gave an enormously appealing revelation of the warmth of Victorian family life. Mary Dillwyn's small camera, needing shorter exposures, could be used to capture a far more intimate portrait than those produced by larger cameras. Mary Dillwyn concentrated on

remarkably informal portraits of her friends and family. In them, the sitters smiled, at a time when other portraiture was almost invariably severe. Hardly any other photographers of the period came close to the sensitivity and warmth captured by Mary Dillwyn and her small camera.

The album opened with three views of Penlle'r Gaer, home of the Dillwyn Llewelyn family, and progressed into portraits of family and friends interspersed with flower and fowl studies, finishing with 'Two Welsh Country People'. The photographs were arranged in a distinct narrative order, each carefully trimmed and mounted on coloured card, laid out for the enjoyment of a well-to-do cousin, Susan Franklen, who was closely related to both the Fox Talbot and Llewelyn families.

Positively identified portraits by Mary Dillwyn were to be found in family albums at the National Library of Wales and the Victoria & Albert Museum but only six of the 17 images in the album under consideration were previously known. Of these, two images occurred in albums at both the National Library of Wales and the Victoria & Albert Museum. Collections of the family's photographs were to be found in the National Museum of Wales and at the Royal Institution of South Wales, Swansea, also, but positively identified examples of Mary Dillwyn's photographs in public collections were not common. Studies such as *Mary and Caroline Lindsay*, *Bluebells* (actually *Lilies of the Valley*), *Cathinka Smith* and *Mr Graham Vivian with his horse Cerito* had not been traced in other public collections and reflected the warmth of the portraiture as well as the aesthetic and botanical interests of the family.

The expert adviser concluded that Mary Dillwyn deserved the recognition accorded to others of the small band of early women photographers such as Julia Margaret Cameron, Anna Atkins and Lady Hawarden. Her album was a rare icon of the age, of great value not only to the history of the study of early photography in Britain, but also very closely associated with the social, artistic and scientific history of South Wales.

We heard this case in October 2002, when the album was shown to us.

The applicant said that the album was a very small and personal one including photographs of family friends and of the photographer's immediate surroundings that could not be argued to have a connection with history or national life. The album was an attractive object, but the condition of the photographs was very variable; of the 43 prints, the majority had suffered some degree of fading and in a few of the images this was extensive. Mary Dillwyn had been connected with an important circle of early photographers but their output was extremely well represented in several important British institutions, including the National Museum of Photography, the National Library of Wales and the Victoria & Albert Museum. Other private collections, such as those housed at Lacock Abbey, also included fine examples of this circle of photographers. Little seemed to be known at present of the precise contribution made by Mary Dillwyn to the work of this group, but it did appear to be more limited than that of the others whose work was more widely recognised.

We concluded that the photograph album met the third Waverley criterion. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to allow an offer to purchase to be made at the agreed fair market price of £49,165. We further recommended that, if after the initial period of two months there was a potential purchaser who showed a 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 the National Library of Wales of a serious intention to raise funds with a view to making an offer to purchase the photograph album. A decision on the export licence was deferred for a further three months. We subsequently learned that the album had been acquired by the National Library of Wales with assistance from the National Art Collections Fund, the Friends of the National Libraries and the Friends of the National Library of Wales.

Case 11

A sketch of a horse and landscape by Sir Anthony Van Dyck (1599–1641)

This large sketch is in oil on canvas, and measures 130.8 x 105.4 cm. Cadogan Tate Ltd applied to export the sketch to a purchaser in France, whose name was supplied to the Committee but is withheld from the report by request. The value shown on the export licence application was £786,656.25, which represented the hammer price plus buyer's premium and VAT on the premium at Christie's sale of *Important Old Master Pictures* on 13 December 2000 (lot 30). Conservation costs had also been paid by the owner, including work arising from the discovery of a landscape scene on the reverse of the painting after purchase at auction and these totalled £9,000.50. Dealers commission totalled £41,860. The total cost to the owner had therefore been £837,516.75.

The Director of the National Gallery, acting as the Department's expert adviser, objected to the export of the painting under the first and second of the Waverley criteria. He explained that the sketch was one of the principal works retained by the Gambier Parry family when the majority of their collection was bequeathed to the Courtauld Institute. It had been bought by Thomas Gambier Parry (1816–88) from R.P. Nicholls in London in 1859, although its earlier provenance was uncertain. Until recently, the landscape on the reverse of the sketch had been covered by a lining canvas. It was not known why or when the landscape was covered. Neither the Gambier Parry catalogues nor exhibition catalogues (which post-dated the Gambier Parry purchase) mentioned the reverse of the canvas. Probably the more obvious aesthetic appeal of the horse and the need to support the canvas had overridden any desire to display the reverse.

Until this discovery, the appreciation of Van Dyck's portrayal of landscape had been limited to small-scale drawings in pen and ink and watercolour. This sketch was the only evidence of how the five lost landscapes listed in collections in Antwerp in the seventeenth century might have looked. The same loose, impasto technique, reminiscent of Titian's late work, was visible in the background of Van Dyck's *Portrait of Thomas Howard, Earl of Arundel* painted around 1620–21 and now in the Getty Museum, evidence of both sitter and artist's appreciation of *la maniera veneziana*. The composition of the sketch was closely mirrored in a Titianesque drawing (pen and brush and brown ink) at Chatsworth.

The *recto* depicting an Andalusian horse was typical of Van Dyck's Antwerp period, but the *verso* was the only major example of a landscape oil sketch. Its retention would provide an opportunity to show another aspect of Van Dyck's work that was not represented in the UK, and would add to the knowledge of his technique and working methods. The freedom and expressiveness of presentation was important to understanding the revolution in 1540s painting, in the context of the influence of Titian, which Van Dyck was the first Flemish artist to take on.

The recto had been recognized by Susan Barnes as a modello for the *Equestrian Portrait of Charles V* now in the Uffizi. The portrait, however, was considered to be studio work, and subtle differences were readily perceived between the two. It was probable that this sketch formed part of a series. Like the sketch under consideration (the upper part of the canvas had been cut off, probably by the artist himself), other Van Dyck horse studies appeared to have been cut from larger compositions and deserved further research. As the work was so exceptional there was no consensus on the dating of the landscape, but a 1620–24 range would seem plausible. (The horse would seem to have been painted between 1618 and 1620.)

These sketches demonstrated the speed at which the artist worked and also the readiness to abandon certain compositions. The way in which the canvas was turned over, and worked upon unprimed, lent invaluable insight into Van Dyck's artistic practice and technique. The expert adviser concluded that he was an artist of prime importance to the UK's heritage and although his *oeuvre* was well documented in English collections, nothing was comparable to this unique work.

We heard this case in November 2002 when the sketch was shown to us.

The applicant's representative said that the recto was largely by a follower and seemed to be of even less importance than when offered previously to UK institutions. before the discovery of the *verso* sketch. The amount of restoration also made it difficult to date. The landscape sketch was of some interest, but not outstandingly so, and there were examples of Van Dyck's landscape painting in the backgrounds of other paintings. This was a small part of Van Dyck's work and a small field of study to which to apply the Waverley criteria.

The applicant's legal adviser commented on aspects of the interpretation of the Waverley criteria in the context of EU law and the European Convention on Human Rights. He argued that, under the first Waverley criterion, which dealt with national importance, the painting was not important for local history, nor as part of a collection, nor for association with a historical event. In no way could it be described as being 'so closely connected with our history and national life that its departure would be a misfortune'. Under the second criterion, whilst the expert adviser had concluded that the work was 'unique', this did not indicate that it was 'of outstanding aesthetic importance'. Under the third criterion, items were required to be important for study, rather than merely of interest to it, and it did not just cover items that museums and galleries might want to buy. This painting contained parts that were not by Van Dyck and there were over 200 other works by him in the UK of better quality.

We concluded that the painting satisfied the third Waverley criterion. 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 the agreed fair market price of £837,516.75. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed a 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 two-month period, no offer to purchase had been made and we were not aware of a serious intention to raise funds. An export licence was therefore issued.

Case 12

A Portrait of The Lieutenant General, the Hon. Robert Monckton, by Benjamin West, 1764

The portrait is in oil on canvas and measures 240 x 175 cm. It shows General The Hon. Robert Monckton, full length, wearing the uniform of a General Officer, holding a plan of Martinique in his right hand, a cannon and tent beside him, a line of soldiers and a battle scene beyond, and is inscribed lower right: '*General Hon. Robert Monckton*'. Robert Holden, on behalf of the Trustees of the late Viscountess Galway, had applied for a licence to export the portrait to Richard Drake, USA. The value shown on the export licence application was £775,000, which represented the sale agreement price.

The Curator of Eighteenth-Century Collections at the National Portrait Gallery, acting as the Department's expert adviser, had objected to the export of the portrait under the first and third of the Waverley criteria, because of the pre-eminence of Monckton as a leading British figure in the Seven Years' War and the portrait's outstanding importance as a pivotal work in Benjamin West's oeuvre and career.

The painting was the first life-size, full-length portrait that Benjamin West had painted. It was also one of only two portraits of General Robert Monckton in existence. General Robert Monckton was one of the principal British officers fighting the French for control of the Americas during the Seven Years' War. He was second-in-command to General Wolfe at the taking of Quebec, the victory that had heralded the birth of the British Empire. This painting celebrated Monckton's lead in the capture of Martinique. Exhibited in 1764, it had been one of the American-born West's first successes in Britain. Its composition and handling had announced his ambitions as a metropolitan and academic artist. In West's canon the work gained its significance as the first life-size, full-length portrait in an illustrious career that had culminated in him serving as Historical Painter to George III and President of the Royal Academy.

Robert Monckton (1726–82), the second son of John Monckton, 1st Viscount Galway, had joined the army in 1741 and first made his military mark during the War of Austrian Succession at Dettingen and Fontenoy. In 1752, Monckton was sent to Nova Scotia as Lieutenant Colonel of the 47th Regiment, where he commanded Fort Lawrence from August 1752 to June 1753, capturing Fort Beauséjour from the French in June 1755. By 1757 Monckton had been promoted to Brigadier-General and was second-in-command to General Wolfe at the legendary taking of Quebec, where he was wounded. On his recovery he became commander of the British forces in Pennsylvania in 1760 and was appointed Governor of New York in 1761 at a crucial period in the Anglo-French struggle for supremacy in North America. Having been promoted to Major-General in 1762, he devised and led a successful expedition against the French in Martinique. His victory there was celebrated in this painting. Monckton returned to England in 1763. He was made Governor of Berwick-on-Tweed in 1765, and Governor of Portsmouth in 1778. He was MP for Portsmouth until his death in 1782.

This portrait was one of the first three commissions that Benjamin West received after his arrival in England in August 1763. Though there was no evidence that Monckton had met West while in America, it was thought that his choice of artist had been influenced by his Pennsylvania contacts, and possibly by West's brother Samuel who had been a captain in the Pennsylvania Militia. The portrait was started shortly after Monckton returned to England in 1763 after his successful campaign in Martinique and had

clearly been intended to commemorate his victory in the Caribbean. In West's confident composition, Monckton was portrayed as the charismatic and decisive leader, stepping forward and dispensing orders on the field of battle. Such a depiction of a military officer was not novel in 1763, but it would have had significant ramifications.

Adopting an allusive device, first championed by Reynolds in his celebrated portrait of *Admiral Keppel* (1752–53), West had flattered Monckton's status by invoking the heroic countenance and ideal form of the *Apollo Belvedere*. At the same time, this painting could also be viewed as the work of an ambitious young artist positioning himself at the heart of the metropolitan art world by signalling his familiarity with both the latest fashions in portraiture and, after his recently completed grand tour, the most revered sculptural prototypes of classical antiquity. Rather than auguring any antipathy between West and Reynolds, Alan Staley recorded that when Reynolds met West in 1764, it was the more established artist who had advised the American to exhibit *Monckton*. According to a contemporary biographer, William Carey, writing in 1820, it was his success at this first public exhibition that had convinced West to stay in England. As such, his portrait of General Robert Monckton marked a critical moment in a career that saw West rise to the very top of the British art world, as History Painter to the King and as President of the Royal Academy (1792–1820).

The career and oeuvre of Benjamin West was a distinct and important area of study to the history of British art. He was one of the first generation of American-born artists to work in Britain; a founder member of the Royal Academy who had been elected second President after Sir Joshua Reynolds in 1792; a major exponent of the international neo-classical style and a magnet for young American artists coming to England. This portrait was a seminal work in West's oeuvre that had helped launch his English career. It held an interesting place in West's early work because it indicated the level of influence Reynolds, perhaps by necessity, had had on his early portrait practice. But quite apart from Reynolds' model, this portrait of Monckton was an example of the unusually 'elaborate contemporary detail' that West had introduced into a few key works. His modern-dress approach to grand manner portraiture reached its apogee in *The Death of Wolfe* (1771), a composition that was largely responsible for increasing the patriotic possibilities and popular relevance of history painting in Britain. As Monckton appeared again in *The Death of Wolfe*, it has been suggested that the idea for the work, 11 years after the battle, may have been influenced by West's patron Monckton.

We heard this case in November 2002, when the painting was shown to us.

The applicant agreed that the portrait met the first and third of the Waverley criteria. However, he pointed out that there was an important exempted portrait of Monckton in an English private collection, which was currently available for public view, and a marble of Monckton, also in an English private collection. The applicant said that the buyer of the portrait wished to lend it to an American museum. Though the portrait obviously had some importance in England, it had a very great importance for America: Monckton had been Governor of New York and also second-in-command at Quebec.

We concluded that the portrait met the first Waverley criterion. 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 the agreed fair market price of £775,000. We further recommended that,

if at the end of an initial deferral period, there was a potential purchaser who showed a serious intention to raise funds with a view to making a purchase, the deferral period should be extended by a further three months.

We were informed by the National Army Museum of a serious intention to raise funds with a view to make an offer to purchase the portrait. A decision on the export licence was deferred for a further three months. We subsequently learned that the portrait had been acquired through a private treaty sale by the National Army Museum with assistance from the Heritage Lottery Fund and an anonymous private donor.

Case 13

A Roman well-head, the Guilford puteal, c. 100 BC

The puteal dates from the 1st century BC. It is shaped like a cylindrical drum, decorated with 10 very low relief figures. The figures seem to form two groups and at the front, the two short processions of three figures meet. On the left is Apollo with his lyre who leads Artemis (with bow and stag) and another woman, probably their mother Leto. On the right is Athena/Minerva leading Herakles/Hercules and a veiled woman (Hera or perhaps Aphrodite). At the back from left to right is a procession consisting of Hermes/Mercury with winged feet leading three dancing women, perhaps Nymphs or Graces. Oliver Forge and Brendan Lynch Ltd applied for a licence to export the well-head to an American Institution, whose name was supplied to the Committee but is withheld from the report by request. The value shown on the export licence application was £288,314, which represented an agreed sale price.

The Keeper of Greek and Roman Antiquities at the British Museum, acting as the Department's expert adviser, objected to the export of the puteal under all three of the Waverley criteria, because of its remarkable low-relief carving, association with early nineteenth-century English collectors and importance for the study of the Roman Archaistic style.

The puteal had been known from the beginning of the nineteenth century, when it stood in the garden of a Greek Archon, or official, known as Notara, at Corinth. He was said to have acquired it from a Turk who had a house in the eastern part of the town, where the puteal served as a well-head. The Turk was said to have another part of the monument (perhaps its upper moulding) but would not part with it. At the beginning of the nineteenth century, European travellers regularly stayed in Notara's house and admired the puteal. It was acquired by Frederick North in 1810 during his tour of Greece with Galley-Knight and Fazakerly. In March 1813 North wrote to his sister that he had brought back 60 cases of marbles including parts of some 15 or 16 statues. He had exhibited his collection at his house at 24 St James's Place, London, which he had re-floored with iron plates to take the load. His brother-in-law, the lawyer Lord Glenbervie, described the house as follows:

'This is the prettiest, the most singular house ever seen...The dining room is very well sized and not unlike other dining rooms, except for the small marble statues fixed against the walls, on a Barré-coloured ground, and the cistern at one end, formed of the large mouth of an ancient well, with indistinct figures on it.'

In 1817, North, the fourth son of George III's Prime Minister, Lord North, inherited his father's title and became the 5th Earl of Guilford. He began his career as an academic at Oxford, and joined the Greek Orthodox Church, but suffered from ill health. Lord Guilford was later to found the Ionian University, first on Xante, but later moved it to Corfu. Sadly, it was stripped of its assets after his death in 1827. In 1827 the puteal was purchased along with the St James's Place house and the rest of its contents by Thomas Wentworth Beaumont, MP, a wealthy landowner and amateur of the arts. Beaumont took the puteal, together with an altar that North had bought on Delos, to his home, Bretton Hall near Leeds, and it consequently passed out of scholarly sight. Adolf Michaelis lamented its disappearance in his great book on English collections written in 1882. The Beaumont family sold the house, with the remaining two sculptures, to West Riding County Council in 1947 as a College of Education. New halls of residence were built for the Teacher Training College in about 1960 and the two sculptures were then incorporated into a Garden of Ornaments. Following an enquiry about it from the Director of Leeds City Museum, who had seen it in the Garden of Ornaments at Bretton Hall, the puteal was recognised by Dr Susan Walker of the British Museum.

The puteal's importance in the nineteenth century was now matched by its significance to modern scholarship. The sculpture on the puteal had been much admired by nineteenth-century dilettanti because they judged it a very rare example of early archaic Greek art. It has long been recognised, however, as being an archaizing work of the Roman period. Comparison with similar round altar reliefs in the Villa Albani and the Museo delle Terme suggested that it belonged in the 1st or 2nd centuries AD, but more recent work in the area and sight of the original suggested that it might be as early as the last quarter of the 1st century BC.

The puteal had been exposed to the elements for many centuries, probably being indoors for a total of some fifteen years whilst it was in Lord Guilford's house. Recent cleaning, with the aid of a Henry Moore Foundation grant, had revealed all too well its crystalline surface. Nevertheless, much of the remarkable low-relief carving was still recognisable and the delicacy of the original work could still be appreciated.

We heard this case in November 2002, when the puteal was shown to us.

The applicant said that although the puteal had a collection history dating back to 1819, it had not formed part of one of the distinguished collections of ancient sculpture for which Britain was renowned. Apart from the puteal, a Hellenistic marble altar and a Greek marble stele that was now in the Metropolitan Museum, Lord Guilford did not appear to have acquired antiquities of any significance. Although he was a member of the Society of Dilettanti, a great deal of his time and career was spent abroad and he did not appear to have contributed greatly to life in England.

The applicant said that the puteal was of an impressive scale with carving of high quality, but each of the heads was damaged, some completely. Its general condition had attracted adverse comment, and, as a result, it could not be considered to be of outstanding aesthetic importance. Archaistic works of art were significant for the study and understanding of ancient sculpture, but the style was already well represented in British collections, both private and public. For example, the British Museum had amongst its Archaistic sculpture a fragmentary relief with nymphs and another relief with Nike and a warrior. The Ashmolean Museum had two reliefs, one with Hermes and the Nymphs, the other with Pan and the

Nymphs. At Newby Hall in Yorkshire there were two candelabra bases, with another at Broadlands in Hampshire and an altar at Wilton House in Wiltshire.

We concluded that the puteal met the first and third of the Waverley criteria. We therefore recommended that a decision on the export licence application be deferred for a period of two months to enable an offer to purchase to be made at the agreed fair market price of £294,009.30. We further recommended that, if at the end of the initial two month period there was a potential purchaser who showed a 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 the British Museum of a serious intention to raise funds with a view to making an offer to purchase the puteal. A decision on the export licence was deferred for a further three months. We subsequently learned that the puteal had been acquired by the British Museum with assistance from the National Art Collections Fund, the Caryatids, the British Museum Friends, the Henry Moore Foundation and the Society of Dilettanti.

Cases 14 and 15

An armchair and dressing table designed by Marcel Breuer, 1936

This armchair and dressing table are part of a group of furniture commissioned in 1936 from the architect Marcel Breuer (1902–81) by Mrs. Dorothea Ventris (d.1940) for her flat at Highpoint, Highgate, London. Sotheby's applied for licences to export the chair to Closure Fine Arts, USA, and the dressing table to Hans-Peter Jochum, Berlin, Germany.

The Keeper of Furniture, Textiles and Fashion at the Victoria & Albert Museum, acting as the Department's expert adviser, objected to the export of the chair and dressing table under the second and third of the Waverley criteria because of their outstanding importance for the study of modernism in Britain, for the study of modern furniture and for their association with the intellectual life of the nation.

Dorothea Ventris had a passion for modern art and design, and following her divorce in 1935, she moved into north London's ultra-modern block of flats, Highpoint, designed by the Russian émigré architect Berthold Lubetkin of the Tecton firm. She hired Breuer to design the interior, in which he used specially designed, free-standing and built-in furniture to organise the space. Mrs. Ventris lived in the flat with her young son, Michael (1922–56).

Mrs. Ventris's choice of Breuer was an indication of her modernist inclinations. By the time he arrived in London in 1935, Breuer could already be described as the most influential furniture designer of the twentieth century. He left his native Hungary aged 18 to study at the recently opened Bauhaus school in Weimar. In 1925, as the school was preparing to move to its new location in Dessau, he was asked to become Master in charge of the carpentry workshop. In mid-1925 Breuer designed and made his first tubular steel furniture, pieces that were to be used in the new Bauhaus buildings designed by Walter Gropius which opened in 1926.

Breuer left the Bauhaus in 1927 to practise as an architect. He worked in Germany, Switzerland and other European countries designing buildings, interiors for existing flats and houses, exhibitions and, most importantly, some of the century's most innovative and original tubular steel furniture. By the age of 30, Breuer could be said to have created a body of work that would remain one of the most significant in the history of twentieth-century design.

After the Bauhaus was closed by the Nazis in 1933, Breuer never returned to Berlin. With considerable effort and with assistance from Walter Gropius, P. Morton Shand (a writer for the *Architectural Review*) and others, Breuer emigrated to Britain in 1935, having established with F R S Yorke the architectural partnership of Breuer & Yorke (the creation of which was a Home Office condition for his immigration). For British modernists, the arrival of Breuer shortly after that of his former teacher and mentor, Gropius, was highly significant. Breuer and Gropius also worked for the fledgling Isokon Furniture Company, founded by Jack Pritchard, for whom Breuer designed an important and influential range of plywood furniture, examples of which were purchased by Mrs Ventris for her flat. Breuer also undertook interior projects, among them a widely published house for the Bristol furniture maker and retailer Crofton Gane (who almost certainly made the Ventris armchair), as well as the flat at Highpoint for Mrs Ventris.

Mrs Ventris displayed in the flat two pictures by Picasso, one by Juan Gris and a sculpture by Henry Moore. She had known Moore as well as Naum Gabo and Ben Nicholson. Michael Ventris was encouraged to study architecture by Gabo – who was described as 'something of a father figure' – as well as by Breuer, and in 1940 he entered the Architectural Association.

The association of the Breuer chair and dressing table with the Ventris flat was significant in the history of modernism in Britain. However, the later history of the furniture added to its importance. After his mother's death in 1940, Michael Ventris continued to live in the flat, eventually with his wife Lois, a fellow student at the Architectural Association. In the early 1950s they began designing a new house at 19, North End, Hampstead. They designed the house specifically to accommodate the Breuer furniture. Built of yellow brick, with a pitched roof, the exterior of the house was a far cry from the continental modernism of Highpoint, but it was a distinctly modern house, particularly in its organisation of spaces and interior design.

At precisely the same time, Michael Ventris, an amateur archaeologist and linguist of extraordinary ability, deciphered the Minoan Linear B script, an archaic form of Greek, with help from the classical scholar John Chadwick. This accomplishment far eclipsed his reputation as an architect. Ventris tragically died in a car accident in 1956, three years after moving into the new house. In recognition of his achievement in deciphering Linear B, a blue plaque was recently fixed there. The house and contents were sold by Lois Ventris in 1975 to the architect John Renton, who sold the house in early 2002, and put the furniture up for sale at Sotheby's in July 2002.

A key chapter in the history of modernism in Britain was the contribution of émigrés. Some, like Dorothea Ventris, who came as a free migrant from a wealthy Polish family, brought a continental aesthetic sensibility, notably a desire to engage with modern art. Others, like Marcel Breuer, who was Jewish and fled European fascism, finding safety and work in Britain, brought with them the vibrant ideas and aesthetics of modernism and profoundly influenced the shape of modern culture. The Ventris armchair and

dressing table represented the contribution of those émigrés and were, in terms of patronage and design, highly significant case studies in British modernism.

The armchair and dressing table were extremely well documented, not only in terms of their provenance but also in terms of their design. The flat was well photographed and published in the 1930s and original drawings for the chair and dressing table survived in the RIBA Drawings Collection and in the Pritchard Papers at the University of East Anglia (which also holds correspondence between Mrs Ventris and Marcel Breuer). Documents related to the flat could also be found in the Ventris papers at the Institute of Classical Studies, University of London.

Case 14

An armchair designed by Marcel Breuer, 1936

The value shown on the export licence application was £40,630, which represented the hammer price and the buyer's premium. In the event of a UK sale, the price would be £41,790 including VAT.

The expert adviser said that only two examples of the armchair were made, the present example and another sold at Sotheby's in the same sale. None was in a public collection in Britain, nor was there much specially commissioned plywood furniture by Breuer or any other designer. The Ventris chair represented a new direction in Breuer's work. It showed a turning away from rectilinear geometry, a softening of his modernist design vocabulary, which had previously been seen in his first plywood furniture, Isokon furniture made in London (1935–36). His use of wood was the result of two factors: the nature of modernism in Britain and a shift in his own aesthetic development that took place in the mid-1930s.

Before he came to Britain, Breuer designed mainly metal furniture. Among continental modernists metal furniture was the embodiment of their aim to create a brave new world in the aftermath of the devastation of the First World War. Like concrete in building, metal in furniture symbolised their aspiration to mass produce affordable furnishings for the new Utopia they were aiming to create. Evidence of the maker's hand was eschewed in favour of buildings, interiors and furnishings that at least looked machine-made, even if they were not (the reverse of Arts and Crafts aspirations). Modernism in Britain was different in its character than on the Continent. Traditional notions of comfort and decoration continued to hold sway and the intellectual side of modernism, as well as what was seen as its relentless cosmopolitanism, met with scepticism and mistrust. Metal furniture, regarded as a form of extremism, was never accepted in the domestic interior in Britain, making it unacceptable for Breuer to work in that material.

Within Breuer's work, the Ventris armchair represented a shift away from the geometrical purity and machine aesthetic of early modernism. This was part of a trend towards the organic that made itself felt in avant-garde art of the 1930s. The shapes of the sides of the chair and, indeed, the overall form, were informed by the furniture of Alvar Aalto and by Breuer's interest in contemporary Surrealist and biomorphic art, especially the wood relief sculptures of Jean (Hans) Arp and the paintings of Joan Miró. In his Isokon furniture, Breuer moved in the direction of biomorphism, retaining a gentle, flowing line, which found favour with British modernists. The Ventris armchair, however, particularly the shape of its sides, demonstrated a more decisive and uncompromising turn to a dynamic naturalism that aimed to suggest the forces of nature through irregular, amoeba-like shapes.

While plywood, as a material, did not rate highly within the hierarchies of traditional furniture, it was uniquely suited to design of this period. Plywood was as much a mark of modernism in Britain as tubular steel was in Germany. The Ventris chairs represented Breuer's first use of exclusively cut-out, rather than moulded, plywood. Cut-out plywood was made using only a machine saw and, generally, sheets of ready-made plywood, so set-up costs were negligible and minimal workshop space was required. It was possible to achieve in cut-out plywood what Breuer called 'free forms' – such as the sides of the Ventris armchair – that would not have lasted if made in solid wood and which would have been far more expensive and complicated in moulded plywood.

The Ventris chair design presaged much of Breuer's subsequent furniture, including chairs shown at the 1939 New York World's Fair. From 1937 – when he emigrated to the USA to take up a teaching position at Harvard University – until the 1950s, Breuer continued to work extensively in cut-out plywood.

We heard the case in November 2002 when the armchair was shown to us.

The applicant said that the armchair had no substantial connection with UK history or national life and that, since Breuer only spent two years (1935–37) in the UK, his work was essentially part of European (continental) Modernism and the Bauhaus School. To the extent that Breuer's work could be said to have outstanding aesthetic importance, the applicant believed that his more important designs dated to the earlier periods in Germany and Switzerland and that it was his earlier tubular steel designs in particular that were more important aesthetically.

The applicant pointed out that to the extent that Breuer's late furniture in his period in the UK was of relevance to study, a much more important piece from the Ventris commission had recently been acquired by the Victoria & Albert Museum. This was the sycamore, veneered plywood and tubular metal prototype desk (1935–36). This combined a plywood construction with tubular metal, and as such was a more interesting synthesis of Breuer's work. The applicant submitted that the armchair would not offer any real opportunity for study that was not satisfied by the availability of the desk.

We concluded that the armchair met the first 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 allow an offer to purchase to be made at the agreed fair market price of £41,790. We further recommended that, if after the initial two month period there was a potential purchaser who showed a 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 the Victoria & Albert Museum of a serious intention to raise funds with a view to making an offer to purchase the armchair. A decision on the export licence was deferred for a further three months. We subsequently learned that the armchair had been acquired by the Victoria & Albert Museum with assistance from the National Art Collections Fund.