

Case 15

A dressing table designed by Marcel Breuer, 1936

The value shown on the export licence application was £44,248.50. This value represented the hammer price, plus the buyer's premium and VAT on the buyer's premium.

The expert adviser said that there was nothing similar designed by Breuer either for a British commission or in Britain. The dressing table was a most unusual and strikingly beautiful example of a modern dressing table. It was a subtle design of two wall-hung cabinets and mirrors which functioned as a dressing table, conceived as if it were an example of abstract sculpture and presented as a combination of volumetric and flat rectangles and two circular forms.

The dressing table was closely related to Breuer's earlier work. It was a form he had first tackled as a student in 1923. His dressing table for an exhibition house at the Bauhaus demonstrated his desire to minimise structure and his interest in making furniture visually transparent (which, rather than blocking the view with an entirely solid structure, allowed the viewer to see through parts of it). This first dressing table design also contained a separate, adjustable round mirror, as repeated twice on the Ventriss piece. It was, however, still an updated form of a traditional furniture type. Slightly later, Breuer began to combine wall-hung cabinet or drawer units with entirely separate mirrors. This enabled him to employ a standardised repertoire of forms that could be used in different ways and even in different rooms for varied uses. The use of these wall-hung cupboards became a trademark feature of Breuer's flats and houses of the 1920s and 1930s, and it was within that context that the Ventriss dressing table should be seen.

Unusual even within the context of Breuer's wall-hung units were the hinged drawers. These added considerably to the ingenuity of the design. The use of hinged drawers (often hung on piano hinges) was usually associated with furniture making of very high quality and had a long pedigree. It was especially associated with the finest eighteenth-century German cabinet making. Accordingly, the Breuer pieces might be seen as part of a tradition in German cabinet design.

By the second half of the eighteenth century, the dressing room was an important element in an aristocratic apartment, but in general the designs for dressing tables were produced by cabinet makers. During the nineteenth century, the idea of the 'apartment' faded, dressing rooms became much more private spaces and the design of dressing tables continued to be the preserve of cabinet-making firms. The involvement of Breuer in the design of this dressing table reflected the modernist concern with the design of every element of the interior, rather than effectively delegating the furnishing of any part of the domestic space to a commercial supplier.

From the 1920s, public awareness of dressing rooms or dressing room furniture became more acute. With changes in society after the First World War, and especially the public acceptance of cosmetics for respectable women, the image of the dressing table changed. The increasing popularity of the form in the 1920s and 1930s might also have been attributable to their appearance in popular films. In grander houses, both of traditional and Art Deco design, dressing rooms remained popular. However, modernist interiors, with their open plans and/or generally modest size did not generally have separate

dressing rooms and the fittings of a dressing room were provided within the bedroom. Fitting them into limited space was a challenge that Breuer met especially well. Breuer's Ventriss dressing table was, therefore, highly significant and original as an innovative example of the form.

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

The applicant argued that the dressing table did not meet any of the Waverley criteria for the same reasons that he did not consider the armchair to meet them.

We concluded that the dressing table 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 £44,248.50. 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 dressing table. A decision on the export licence was deferred for a further three months. We subsequently learned that the dressing table had been acquired by the Victoria & Albert Museum with assistance from the National Art Collections Fund.

Case 16

A drawing, *Study of a Mourning Woman*, by Michelangelo Buonarroti (1475–1564)

The drawing is in pen and two shades of brown ink, and heightened with white. It measures 26 x 16.4 cm. Jean-Luc Baroni Ltd applied for a licence to export the drawing to The Graces Ltd, Switzerland. The value shown on the export licence application was £7,500,000, which represented a valuation based on the cost of drawings of similar importance that had been sold recently.

The Keeper of Prints and Drawings at the British Museum, acting as the Department's expert adviser, objected to the export of the drawing under the second and third of the Waverley criteria, because of its outstanding importance for study as one of only a handful of drawings by the artist from the beginning of his career, and because of the fresh condition of the drawing, which allowed Michelangelo's penmanship to come across.

The expert adviser said that the drawing certainly merited being described as of 'outstanding aesthetic importance'; indeed it was hard to imagine a Michelangelo figure study that would not warrant being placed in such a category. It was a drawing of imposing size, and for a work of this period it was in amazingly fresh condition – still preserving, for example, the contrast between the brilliant white heightening and the dark tonality of the ink. The subtlety and variety of Michelangelo's penmanship came across far better than in many of his surviving pen studies, where the tonal contrasts had been dulled by exposure to the light.

The drawing was of outstanding significance to the study of Michelangelo on two counts. First, it was one of a handful of drawings by the artist from the beginning of his career. As with the majority of Old Master drawings, the dating could only be arrived at through stylistic analysis and as such could never be proven with absolute certainty. However, the drawing fitted in neatly with a group of five pen-and-ink drawings (only one of which – *The Greek Philosopher*, was in this country, in the British Museum) – generally dated to the period 1490–1500. Michelangelo was at this time evolving his own unique style of drawing based on that learnt from the Florentine painter Domenico Ghirlandaio during his short tenure in his studio in the late 1480s.

Early drawings by Michelangelo were characterised by a forceful system of cross-hatching, a method of drawing often likened to the artist's manner of excavating the sculptural form from the marble block with a claw chisel. The refinement of the modelling in the *Mourning Woman* study, with the artist employing a more nuanced vocabulary of pen strokes, suggested that it came last in the sequence of early drawings, and probably dated from the first years of the sixteenth century. It was a pivotal work because it contained elements of the rigid, extremely sculptural cross-hatching of the British Museum's *Philosopher* of around 1500, while anticipating the much more fluid draughtsmanship (plus the dual use of white heightening as a highlight and to cover up areas of penwork) of later studies, like the British Museum's study of a nude for the *Battle of Cascina* cartoon of 1504–05. The discovery of the *Mourning Woman* vitally expanded understanding of Michelangelo's formation, a period inadequately documented by surviving drawings.

Michelangelo was notoriously reluctant to allow anybody to look at his drawings (a paranoia increased by the theft of over 50 studies from his studio in Florence in 1529), limiting access to them to a restricted circle of friends. The *Mourning Woman* was a fascinating and relatively well documented example of a Michelangelo drawing that enjoyed a measure of fame among Michelangelo's contemporaries. The Croatian-born miniaturist Giulio Clovio evidently had access to the drawing, as he included the figure in his *Crucifixion* illumination in the Farnese Hours (1537–46), now in the Pierpont Morgan Library. Other variants and copies after the figure, including one by the Florentine Francesco Salviati, demonstrated how Michelangelo's innovative figural ideas filtered out into the wider artistic community.

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

The applicant agreed that the drawing met the second criterion and arguably the third as well. However, he added that before it had appeared at auction in July 2001, an unsuccessful attempt to secure the drawing had been made by the National Gallery of Scotland. He pointed out to us that after the sale at Sotheby's, no public institution or private collector in the UK came forward except for the Director of the National Gallery of Scotland who reserved the drawing. In order to allow the Museum ample time to find the funds the applicant had kept the reserve until mid-March 2002, at which time it was withdrawn.

We concluded that the drawing satisfied the second and third of the Waverley criteria. We also concluded that the drawing merited a starred rating, meaning that we considered it to be of particular importance and that every effort should be made to raise funds to retain it in the UK. 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 £7,500,000. 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 five months.

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

Case 17

A Portrait of Omai by Sir Joshua Reynolds, c. 1775–76

The portrait is in oil on canvas and measures 23.6 x 14.5 cms. It is of Omai (Omiah), full length, wearing cream coloured robes, and a form of turban. William Fry Solicitors on behalf of Settlements SA applied for a licence to export the portrait to Settlements SA, Dublin, Ireland. The value shown on the export licence was £12,500,000, which represented the current market value based on two independent valuations.

The Senior Curator of Collections at Tate Britain, acting as the Department's expert adviser, objected to the export of the portrait under all three of the Waverley criteria. He said that the picture was one of the most important and visually compelling works by Sir Joshua Reynolds, who was himself one of the leading artists in eighteenth-century Europe, by virtue of his skill as a portrait painter, his Presidency of the Royal Academy of Arts, and as the writer of the fifteen *Discourses on Art*. The sitter's personal history was inextricably linked with the great voyages of exploration and discovery in Australasia during the later eighteenth century. Omai, who came to England on board the *Adventure* in 1774, was the first Polynesian to be brought to Europe. As such, he had come to be regarded, rightly or wrongly, as the embodiment of the 'noble savage', a man of nature, who lived in harmony with the elements, untainted by the corrupting influence of modern civilization.

Omai was born around 1751 on the island of Ulaietea (now Raiatea). When he was aged about eleven, as a result of threats from neighbouring islanders, he moved with his family to Tahiti. There he became a priest to the Queen of Tahiti. In 1767, Tahiti was discovered by a British expeditionary force and renamed 'King George III Island'. The following year James Cook arrived in Tahiti on board the *Endeavour*, together with the eminent botanists Sir Joseph Banks and Dr. Solander. It was at this time that they met Omai for the first time. On leaving, they took home with them the Queen's Chief Priest, although he died on the journey back to England. In 1773, commanding the *Resolution*, Cook visited Tahiti and Huaheine, where he met Omai, who this time came back to England on board the *Adventure*, captained by Tobias Furneaux. During the voyage Omai served as an able seaman, under the name Tetuby Homy. 'Omai', the name by which he became known in England, was apparently the result of a misunderstanding, since 'O Mai' technically meant 'from the family of Mai'.

Omai remained in England from July 1774 until June 1776. During that time he lived under the guardianship of Solander and Banks, in whose house he initially lodged. Omai was fêted by fashionable society. Immediately upon his arrival he had an audience with the King and Queen at Kew Palace; he regularly went to balls, and operas, and attended the State Opening of Parliament. Omai travelled beyond the capital, to Hertfordshire, Yorkshire, the Isle of Wight and the University of Cambridge. During this time

he indulged in various native British pastimes, including shooting, skating, and picnicking. He was also a frequent guest at Royal Society dinners, where his name was recorded as 'Mr. Omai', an indication that he was received as a gentleman in his own right. Omai apparently possessed a limited English vocabulary, but 'sufficient for ordinary communication'.

In June 1776, Omai set sail for the Pacific with Cook on board the *Resolution*. On his arrival home in August 1777, Omai settled on Huaheine, where Cook built him a house, complete with a vegetable garden, fireworks, a portable organ, and suit of armour which he had acquired in England. In 1789, Captain Bligh arrived in Tahiti on board the *Bounty*. He was told that Omai had died a couple of years after Cook's departure.

The portrait was exhibited by Reynolds at the Royal Academy in the spring of 1776 as "'Omiah" whole length', one of 13 works shown by him that year. It is not certain precisely when Reynolds began work on the portrait as the pocket books for 1774–76, in which he entered the names of his sitters and the dates of sittings, are missing. It was probably begun in 1775 or 1776. Reynolds was almost certainly introduced to Omai by Joseph Banks, who was among his circle of close friends. Given his celebrity status it was natural that Reynolds should wish to paint Omai's portrait. The painting, like so many images of 'celebrities', was painted by Reynolds of his own volition. It remained with the artist, and was presumably exhibited in the picture gallery attached to his house in Leicester Square. After his death it was purchased by Frederick, 5th Earl of Carlisle, a close friend of Reynolds and one of his most influential patrons. Lord Carlisle installed the painting at his ancestral seat, Castle Howard, in 1796, where it remained until very recently. Unlike so many of Reynolds's portraits, which had suffered as a result of the artist's experimental technique, and the inept attentions of subsequent restorers, *Omai* remained in excellent condition, its original colour and all its original glazes intact.

Omai was important in the light he shed upon the cultural expectations and values of British society, which was pioneering in its response towards him, and towards the culture which he personified. The intention in bringing him to England was vaunted as scientific. His introduction to fashionable society by the botanist, Joseph Banks, was a means of evaluating his responses to 'civilised' Western virtues. Omai was an object of curiosity. As Banks himself confessed, 'I do not know why I may not keep him as a curiosity, as well as some of my neighbours do lions and tygers at a larger expense than he will ever put me to'. Omai surpassed all expectations, notably among the literary elite, and with the Royal Family, whom he met on several occasions. The bluestocking, Mrs. Hester Thrale, enjoyed the manner in which he defeated the Italian scholar, Giuseppe Baretti, at chess. 'When Omai played at chess and backgammon with Baretti', she observed, 'everybody admired at the savage's good breeding and at the European's impatient spirit'. To Fanny Burney Omai was 'a perfectly rational and intelligent man, with an understanding far superior to the common race of us cultivated gentry'.

Nor was the significance of Omai's sojourn in England confined merely to the attention and interest he aroused in his own right. He was then, and has been since, studied in relation to a series of people from non-European countries, including native Americans and Inuit (Eskimos). Collectively, encounters with such individuals raised questions about the relative customs and codes of behaviour of different world cultures and helped to redefine the global perspective of European society. Banks, for one – while he had originally welcomed Omai to England – subsequently had doubts about repeating such experiments. This did not, however, deter others with less serious intentions.

In Reynolds's portrait Omai wore flowing white robes. Unlike the 'timeless' classical draperies in which Reynolds often depicted his fashionable female sitters, Omai's garb was not imaginary, but was evidently based upon robes which he would have worn on his native island (possibly in his capacity as a priest), and in which he also dressed on occasion in London – as comparison with other contemporary portraits of Omai revealed. Omai's robes, combined with his classical attitude – derived in part from the *Apollo Belvedere* – appeared to lend the figure an air of authority, endowing him with what Reynolds referred to in his eleventh *Discourse* as a 'general air of the antique'. At the same time, Reynolds made no attempt to disguise the prominent tattoos on Omai's hands and arms, which remained in full view 'for the sake of likeness'. The inherent ambiguity in the portrait was quite deliberate: Reynolds ennobled the figure of Omai through the language of Western art, while he also drew attention to the features that marked him out from Western society.

Unlike the vast majority of Reynolds's portraits, *Omai* was not painted on commission but at the artist's own volition. Its importance could be gauged by the fact that he did not attempt to sell the picture during his lifetime, but retained it for show in the picture gallery attached to his studio in Leicester Square. Here he displayed what he considered to be among his finest works, his imaginative studies of children, his history paintings, and his iconic portraits of celebrated actresses and courtesans. The picture was in extremely good physical condition. The structural support was stable and the paint surface had remained intact, with only minimal retouching. Unlike so many of Reynolds's pictures, in which pigments had faded and glazes had been removed by clumsy restoration, the present work was in remarkably good condition, and technically exemplified Reynolds at his very best.

Aesthetically Reynolds's painting was by far the greatest portrait of Omai. The only other portrait of the subject by Reynolds was a small study in oils of Omai's head, which belonged to Yale University. A few other portraits existed, including William Parry's portrait of *Omai with Joseph Banks and Dr Daniel Solander* (Case 26, 2001–02), a head and shoulders portrait belonging to the Royal College of Surgeons, which had been attributed to Hodges and called *Omai* (though its status as an image of Omai was questionable). Finally, there was an important pencil drawing of Omai, standing full length in robes, by Nathaniel Dance, commissioned by Banks and belonging to the National Archives of Canada, Ottawa.

The outstanding importance of *Omai* in relation to the study of Reynolds's art and to British eighteenth-century cultural studies in general could be gauged by the critical attention the picture received during Reynolds's lifetime and afterwards. When it was first shown at the Royal Academy in 1776 it gained universal praise in the newspapers, and even Horace Walpole, who was notoriously waspish in his assessment of contemporary art, considered it 'very good'. Through his portrait Reynolds confirmed the iconic status of Omai in British contemporary society. That he was aware of his cultural significance, as well as his artistic potential, was confirmed by his critical attitude towards the Tahitian practice of tattooing, expressed in his seventh *Discourse on Art* of December 1776. *Omai* had been displayed at numerous public exhibitions of Reynolds's art, notably at the great retrospective held at the Royal Academy in 1986. The picture had also appeared prominently in virtually every art historical account of Reynolds's work, and in general histories of British art.

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

The applicant did not dispute that the painting was of national importance and agreed with the expert advisers comments under all three of the Waverley criteria.

We concluded that the portrait satisfied all three of the Waverley criteria. We also concluded that the portrait merited a starred rating, meaning that we considered it to be of particular importance and that every effort should be made to raise funds to retain it in the UK. 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 agreed fair market price of £12,500,000. 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 six months.

We were informed by Tate of a serious intention to raise funds with a view to making an offer to purchase the portrait. A decision on the export licence was deferred for a further six months. As a result of a generous gift by an anonymous donor, Tate formally made an offer to purchase the painting for £12,500,000 being the amount that the Minister of State had accepted as being the fair market price for the item. We understand that this offer was not accepted by the applicant.

Case 18

The *Madonna of the Pinks (Madonna dei Garofani)* by Raphael (1483–1520)

The *Madonna of the Pinks* is painted in oil on fruitwood and measures 29 x 23 cm. It was painted in about 1507, possibly for a member of the Oddi family in Perugia, and was in a private collection in France, probably as early as the seventeenth century and certainly by 1817. Vincenzo Camuccini owned the painting in Paris before 1828 and it became part of the Camuccini collection in Rome. Algernon, 4th Duke of Northumberland, acquired the Camuccini collection from Giovanni Battista Camuccini in 1853. The painting remained, by descent, at Alnwick Castle. Though purchased by the 4th Duke as a work by Raphael, by 1860 the painting was regarded as a copy. In 1991, Nicholas Penny, then Clore Curator of Renaissance Art at the National Gallery, began to investigate the painting. He brought it to the National Gallery where it was cleaned and extensively analysed and, in 1992, accepted as a work of Raphael. The painting had remained on loan to the National Gallery since its identification as being by Raphael. The J. Paul Getty Trust applied for a licence to export the painting to the US. The value shown on the export licence application was £34,957,627, which represented the sterling equivalent of the agreed sale price to the Trust of \$49,500,000.

The Director of the National Galleries of Scotland, acting as the Department's expert adviser, objected to the export of the painting under all three of the Waverley criteria. He said that Raphael was one of the few great artists who had influenced, and transformed, our lives within the UK and that a very important tradition of Victorian painting – and indeed of the Victorian applied arts – would be unthinkable without his powerful influence. Raphael was championed by Prince Albert, who amassed the Prince Consort's Raphael Collection at Windsor of prints and photographs relating to the artist's work. Arguably, Prince Albert even transformed the young Queen's appearance into the *beau idéal* of a Raphael Madonna. The paintings of artists like Dyce, Maclise and Alfred Stevens, would have been impossible without the

presence in Britain of a potentially influential collection of works by Raphael. Raphael's art has had a long history of being highly regarded here, starting with Raphael's *St George and the Dragon* (now in the National Gallery of Art, Washington DC) painted for King Henry VII, at the time that Guidobaldo da Montefeltro received the Order of the Garter, followed by Raphael's *Tapestry Cartoons* (Royal Collection, on loan to Victoria & Albert Museum) which were acquired by King Charles I.

The *Madonna of the Pinks* had been acquired by the Duke of Northumberland in 1853 with the Camuccini Collection at the height of the fashion for Raphael and Raphael connoisseurship in Britain. At that moment, Alnwick Castle in Northumberland, the great medieval Percy stronghold, was having its interiors transformed by Italian craftsmen to resemble what was then considered to be an Italian Renaissance interior – at much the same time as other comparable interiors at Montacute and Kingston Lacey. A feature of such interiors was the prolific use of walnut panelling carved with Raphaellesque grotesques. Many nineteenth-century British collections also boasted fine collections of Urbino maiolica – called 'Raphael Ware' – that was decorated with images taken from Raphael's paintings, drawings and prints. This maiolica was then much copied by English ceramic manufacturers like Minton and Doulton.

Raphael's own work was therefore highly regarded in Britain, but never more so than in the early Victorian period, when paintings, furnishings, ceramics, even hairstyles reflected his omnipresent influence. Indeed, he was so highly regarded in academic circles in Britain that a reactionary school grew up called the Pre-Raphaelite Brotherhood. Their existence, perversely, demonstrated the extraordinarily high regard that there then existed in Britain for Raphael's work.

The expert adviser said that the picture must number among the freshest and most delightful small-scale Italian Renaissance depiction of the Madonna, a young matron playing with the Christ Child sitting in her lap. The composition was deceptively complex, the modelling of the forms convincing and the handling both confident and of infinite delicacy. Nicholas Penny had argued convincingly that the *Madonna* dated from 1507–08, which was much the same moment as the *Bridgewater Madonna* and the *Holy Family with the Palm Tree* that were both on loan to the National Gallery of Scotland from the Duke of Sutherland. Unlike the *Bridgewater Madonna*, which betrayed in its chiaroscuro and heavy draperies a clear reflection of Michelangelo's style, the *Madonna dei Garofani* was markedly Leonardesque, like the *Benois Madonna* at the Hermitage, and the expert adviser argued that it had been painted before Raphael left Florence. There was also more than a hint of Fra Bartolommeo's influence, which seemed to put the picture into Raphael's late Florentine period, c. 1507. The condition of the painting was, for its period, excellent and provided an image of bell-like clarity and beauty. It could be argued that this was Raphael's quintessential image of virginal purity.

The picture was, as Nicholas Penny testified in his article *Raphael's Madonna dei Garofani rediscovered* (Burlington Magazine February 1992, pp.67-81), of particular significance to the study of art, learning and history. It was a small panel, only measuring 29 x 23 cm, but none the less magisterial as an image, presenting particularly fascinating parallels to three paintings in the National Gallery's own collection, namely the *Garvagh Madonna*, the *St Catherine* and the *Dream of the Knight*. Other than Paris, there was nowhere else outside Italy where Raphael could be better studied than England, with the combined resources of the National Gallery, British Museum Print Room, Royal Collection, Windsor, and Ashmolean Museum, Oxford.

We heard this case in January 2003, when the painting was shown to us.

The applicant's representative argued that, whilst the *Madonna of the Pinks* had been in the UK for a century and a half, it had been regarded as a copy since 1860 and was neither exhibited nor closely studied until the early 1990s when Nicholas Penny had recognised its authorship. Since then it had been on public view at the National Gallery, but there was no evidence of its having exerted any particular influence on the culture of the UK since its recent rediscovery. The painting and commission had no connection by association with the UK, nor was the subject of the Virgin and Child closely associated with the history of British art. Although painted in Italy, the Madonna might have been taken to France as early as 1636. More than 180 years later, the painting was acquired in Paris by Vincenzo Camuccini, after which it was taken back to Italy from where it was exported by the 4th Duke in 1853.

The applicant did not dispute the fact that Raphael, along with Leonardo da Vinci, Michelangelo and Titian, was one of the most influential painters of the Italian Renaissance. The impact of his work was apparent throughout British art, as it was throughout the art of other Western nations, notably Italy and France. The *Madonna of the Pinks* did not, however, help to shape the response of artists in Britain to Raphael's style. The painting was unknown to them. Instead, their impression of Raphael was based upon their familiarity with other works in England – notably the tapestry cartoons acquired by King Charles I – and with those that they saw on the Continent, especially in Florence and Rome.

The applicant accepted that the painting was beautiful and, on the whole, well preserved, but nevertheless argued that it could not be considered one of the artist's major paintings. It was of less aesthetic and historical importance than a number of other paintings by Raphael in British collections, including several that were executed at much the same moment in Raphael's career, including the *Ansidei Madonna*, *Saint Catherine of Alexandria* and the *Garvagh Madonna* in the National Gallery. The significantly larger *Bridgewater Madonna* was datable to about 1508 and is rightly considered by scholars to be one of the finest and most inventive of Raphael's Madonna and Child compositions. While the *Bridgewater Madonna* – like the *Mond Crucifixion*, *Vision of a Knight*, the *Ansidei Madonna*, *Saint Catherine of Alexandria*, and *Pope Julius II* in the National Gallery, together with the magnificent set of tapestry cartoons in the Victoria & Albert Museum – would have to be taken into account in any serious discussion of Raphael's achievement as an artist, the painting under consideration would be relatively peripheral to any but the most exhaustive study of his work.

The applicant did not disagree that the *Madonna of the Pinks* was a beautiful painting. However, the complex composition to which the expert adviser had referred was not Raphael's own, but rather derived from Leonardo da Vinci's *Benois Madonna* in the Hermitage, St Petersburg. Raphael's most sublime achievements were such paintings as the *Bridgewater Madonna*, in which the influence of the artist's contemporaries was more fully assimilated. There were, moreover, a great many other equally fresh and delightful small images of the Madonna in Raphael's *oeuvre*.

The UK boasted an extraordinary quantity and variety of paintings and drawings by Raphael. Indeed, there could not be said to be any shortage of opportunities to study the full range of his work. The National Gallery alone owned nine works by the master and a number of others by his followers that documented Raphael's entire career. Two more panels by Raphael, painted about 1505 probably to adorn the lateral

elements of the frame of the *Colonna Altarpiece*, were on public view at the Dulwich Picture Gallery. Moreover, all seven extant cartoons for the set of ten tapestries that Raphael designed in 1515–16 to decorate the lower part of the walls of the Sistine Chapel were on permanent display at the Victoria & Albert Museum. Two further paintings of exceptional significance – a very fine large tondo depicting the *Holy Family under a Palm Tree*, executed about 1507, and the complex, highly influential *Bridgewater Madonna*, datable to about 1508 – had been on loan from the Duke of Sutherland to the National Gallery of Scotland since 1945. Finally, the UK had the largest holding of Raphael's drawings anywhere in the world (including Italy) and sheets from every stage of his artistic development were preserved at the Ashmolean Museum, the British Museum, Chatsworth, and the Royal Library at Windsor Castle. There were therefore at least 20 pictures by Raphael on public view in the UK, and holdings of some 180 drawings.

Given the large number, historical significance, and outstanding quality of the paintings, drawings and tapestry cartoons by Raphael on view in public collections in the UK, retention of the *Madonna of the Pinks* – a recent addition to the long list of the master's works on British soil – would add little to the public's understanding of the artist. Nor had the painting, in the ten years since its reattribution, led to any substantial reassessment or reconsideration of that understanding. It was hard to imagine that the absence of the painting would in any way hinder art historical research in the UK – or, indeed, that it was in general essential to the study of any branch of art, learning or history.

The applicant submitted that the painting, if exported, would be on permanent display at the J. Paul Getty Museum in Los Angeles, under optimal viewing conditions. It would be fully accessible to scholars. It would be discussed and reproduced in a variety of publications, including catalogues of the Museum's holdings as well as a volume in the series titled *Getty Museum Studies on Art*, and it would be seen in perpetuity by an international audience of more than 1.2 million visitors a year.

We concluded that the painting met the second and third of the Waverley criteria. We also concluded that the painting merited a starred rating, meaning that we considered it to be of particular importance and that every effort should be made to raise funds to retain it in the UK. We therefore recommended that a decision on the export licence application should be deferred for a period of one month to enable an offer to purchase to be made at the agreed fair market price of £34,880,033, which was the sterling equivalent of the sale price on the date of the sale agreement, using an average exchange rate. We further recommended that, if at the end of the initial period of one month 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 six months. We subsequently revised this recommendation, having heard after our hearing that the Heritage Lottery Fund would not be able to consider any application for funding from an interested body until 22 July 2003. We therefore recommended that the deferral period should be extended by a further nine months if an expression of interest were shown.

The Minister of State for the Arts deferred her decision on granting an export licence application for an initial period of one month, followed by a further six months if an expression of interest were shown. We were informed by the National Gallery in London of a serious intention to raise funds with a view to making an offer to purchase the painting. A decision on the export licence was deferred for a further six months. At the time of writing, the Minister of State for the Arts has announced that, given the complex issues which remained outstanding, she was not able to reach a decision as to what constituted a

compensating offer by the end of the second deferral period, on 27 August. At the time of writing a decision on the licence application is still awaited.

Case 19

A Portrait of Richard Arkwright junior with his wife Mary and daughter Anne by Joseph Wright of Derby, 1790

The portrait shows Richard Arkwright standing and his wife Mary seated, holding her daughter in her arms, with a landscape beyond. The painting is in oil on canvas, 244 x 158.5 cm, dated 1790 and signed at the lower right *J Wright Pinx.* Nevill Keating Pictures Ltd applied to export the painting to a public collection 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 £1,200,000, which represented an agreed sale price including commission. In the event of a UK sale, the purchase would attract VAT on the commission, producing a compensating value of £1,217,500.

The Senior Curator of the Collections Division at Tate Britain, acting as the Department's expert adviser, objected to the export of the painting under the first and second of the Waverley criteria. He said that this family group portrait was the most ambitious of four paintings produced by Joseph Wright of Derby (1734–97) for the famous cotton manufacturer Sir Richard Arkwright (1732–92) in the 1780s and 1790s. The portrait showed Richard Arkwright junior (1755–1843) and his wife Mary, whom he married in 1780. The couple had six sons and five daughters. The young girl shown in this portrait was their daughter Anne. Another two paintings in the same group showed a further six of Richard Arkwright junior's children; Robert, Richard and Peter in one, and Charles, John and Elizabeth in another. These paintings were still with the Arkwright family, with one of them, of the three boys, on loan to Tate. The fourth portrait was a commanding representation of Sir Richard Arkwright and a pendant to the portrait of his son. The four portraits had originally hung in the dining room at Willersley Castle, the family estate at Cromford. The estate was sold early in the last century, and in 1993 this painting was loaned to Derby Museum and Art Gallery and hung with its pendant of Sir Richard Arkwright. It was sold at Sotheby's on 29 November 2001 (lot 8).

The four portraits commissioned by Sir Richard Arkwright represented the only known series of family portraits made by Joseph Wright. He also painted two further portraits, one of Sir Richard's only daughter Susannah Hurt with her daughter, and the other of her husband Charles Hurt. All six of the portraits remained in this country. The Arkwright family works were amongst the most familiar of all Wright's portraits, and had long been regarded as the outstanding culmination of his late style in portraiture.

Joseph Wright was a contemporary and near neighbour of many extraordinary men of the Enlightenment. He also had links with the English Midlands intellectual fraternity, whose core was the Lunar Society. This provided him with a wider philosophical understanding, with which he was able to interpret the heroic father figures and the activities of this aspect of the Industrial Revolution, embracing individuals such as the Arkwrights and Jedediah Strutt and indeed his depiction of scientific experimentation as in the famous *Experiment with an Airpump* in the National Gallery or *The Orrery* in Derby Museum. This fraternity also

included philosophers such as Erasmus Darwin and John Whitehurst. Wright's portraits of these men (many of which are hung together in Derby Museum and Art Gallery) had great power as an ensemble.

The Arkwright family were synonymous with the development of industrial power in the Derwent Valley. Their industrial developments transformed the social and economic structure of the area. Richard Arkwright senior put into practice his patented spinning process and used his management expertise in the development of large, water-powered mills. He created an industrial empire that brought great wealth to his family but also far-reaching changes to the lives of people in the Derwent Valley. Richard Arkwright junior equalled his father's achievements. He began his working life in the Cromford Mills at a time when his father's inventions, management systems and ideas on the improvement of factory spinning were still developing. Having learned the new skills at first hand, he played a pivotal role in the growth of what was essentially a family business during the six or seven years from 1777 when it reached out from its birthplace in the Derwent Valley across Northern England and Scotland. His own cotton spinning enterprise began in 1783 when he purchased Lumford Mill, Bakewell, from his father. By the age of 37, when he inherited his father's businesses, he was already one of the greatest spinners in the country. He proved to be a shrewd judge of a volatile industry, selling most of the family mills before the fall in the market brought on by the threat of the Napoleonic Wars. Cromford and Masson Mills, however, remained in the family until the end of the nineteenth century.

As a young man, Arkwright junior began to lay the foundations of the fortune he was later to amass outside cotton spinning. His major investments were in Government stocks. At his death in 1843 he was the largest holder of funds in England. He also acted as a banker to the gentry and the aristocracy, his most celebrated client being Georgiana, Duchess of Devonshire. He set up the Arkwright Toplis Bank in Ashbourne and Wirksworth, which was later to become part of Lloyds Bank. Richard Arkwright also continued his father's support for the improvement of the local transport infrastructure, investing in the Cromford Canal, the Peak Forest and Macclesfield Canals, and the Cromford and High Peak Railway. Such was the scale of Richard Arkwright junior's fortune that he was able to provide landed estates for five of his sons, setting up future generations of the family as country gentlemen. At the time of his death, Arkwright's fortune was estimated at £33 million and he was described as 'the richest commoner in Europe'.

The portrait of Richard Arkwright with his wife and daughter was ambitious in size and highly successful in composition. The portrait was characteristic of the more relaxed style of portraiture popular in the late eighteenth century and emphasised Wright's leading position as one of the finest portraitists of his time. His loose, flowing style showed him to be supremely comfortable with his subject. The grand scale of the portrait celebrated the wealth and status of Richard Arkwright and his family. The subjects themselves wore an impressive range of different colours and textures. Materials depicted included crisp silks, elaborate lace, brushed velvets and shiny leather. Wright's success in depicting such a wide range of fabrics convincingly on so large a canvas marked out this painting as of particular note within his oeuvre.

In the companion portraits of Sir Richard Arkwright and his son, Joseph Wright had with great skill charted the family's changing status. Richard Arkwright senior was shown as the plain-speaking inventor, modestly dressed and sitting on a fairly simple chair with spools of cotton at his side, still closely linked to his humble background, as he knew himself to be. On the other hand the portrait of his son, Richard Arkwright junior, showed him as the established country landowner, assured with his fashionably dressed

wife and daughter against the background of his park, providing for the Arkwright dynasty through wise investment of his father's fortune.

We heard this case in February 2003, when the painting was shown to us.

The applicant said that the subject of the painting had been confused by there being two Richard Arkwrights, father and son. There could be no doubt that Sir Richard Arkwright was indeed a figure of national importance. He was Wright's contemporary and friend, together with other notable figures of the day including Matthew Boulton, Charles Darwin's two distinguished grandfathers, namely Dr. Erasmus Darwin and Josiah Wedgwood, and Arkwright's business partner Jedediah Strutt – many of whom were also painted by Wright of Derby. However, this portrait depicted Sir Richard Arkwright's son, who could not be considered in the same category as his father. A successful businessman in his own right, he was – like his father before him – a patron of Wright of Derby, but he was not so closely connected with our history and national life that the departure of this painting would be a misfortune.

The applicant accepted that the portrait was well painted and that the subject was charming and appealing. However, the applicant did not regard it as of outstanding aesthetic importance as defined by the Waverley criteria. The picture was certainly not comparable with Wright of Derby's two famous portraits, both in public collections in London, of *Mr and Mrs Coltman* (1771) in the National Gallery and the elegant full-length reclining portrait of *Brooke Boothby* (1781) at Tate. This was one of the artist's later portraits, painted in 1790. Although Wright did not die until 1797, he was in ill health and virtually an invalid for the last years of his life. His *Dictionary of National Biography* entry read: 'After 1790, though Wright went on painting for years, he produced nothing worthy of special record, except some landscapes painted from sketches taken on a visit to the Lakes in 1793.' 1790 was also the year in which Wright's wife died.

In the context of Wright of Derby's major group portraits of the late 1780s to early 1790s, there were several other notable examples in the UK, such as the portraits of Richard Arkwright junior's children in two equally fine full-length portraits of 1791 and the portrait of the *Leaper Children* (c. 1785). Another particularly fine example, though painted somewhat earlier in c. 1781–82, was *The Rev. D'Ewes Coke, his wife Hannah, and Daniel Parker Coke, MP*, which was in the Derby Museum and Art Gallery. Sir Ellis Waterhouse had described this picture as Wright's 'masterpiece of group portraiture'. Equally, most of Wright's finest single figure portraits from this period were in the UK, such as the industrialists *Jedediah Strutt* (c. 1790) in the Derby Museum and Art Gallery, and *Samuel Oldknow* (c. 1790–92) in the Leeds City Art Galleries, the latter a striking full-length portrait, and – of course – the portrait of Sir Richard Arkwright himself referred to above and also on loan to Derby. This was to mention but a few of Wright's portrait groups and single full-lengths that could readily be seen in this country.

The applicant did not consider that the painting under review was of such outstanding significance for the study of the development of Wright's work that its retention in this country was justified on that ground. The year 1790 saw Sir Joshua Reynolds still alive and President of the Royal Academy, to be succeeded two years later by Benjamin West. Gainsborough had died two years earlier in 1788. English portraiture at the time was passing into the precocious hands of the young Thomas Lawrence who in 1790 exhibited at the Royal Academy his ground-breaking portraits of *Queen Charlotte* (National Gallery) and *Elizabeth*

Farren, later Countess of Derby (Metropolitan Museum, New York). Wright of Derby belonged to a previous generation and his three Arkwright group portraits were wholly consistent with an earlier tradition of portraiture. The applicant therefore did not consider that the painting under review was of such outstanding significance for the study of the development of the British School at this period that its retention in the country was justified on that ground.

We concluded that the portrait satisfied 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 £1,217,500. 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 Derby Museum and Art Gallery of a serious intention to raise funds with a view to making an offer to purchase the portrait. A decision on the export licence was deferred for a further four months. By the end of the second deferral period, Derby Museum and Art Gallery had raised a major part of the funding, including £777,000 from the Heritage Lottery Fund and £50,000 from the National Art Collections Fund. Given a strong possibility that the outstanding balance would be raised, and with the generous consent of the owner, the Minister for Media and Heritage extended the deferral period by another month. We subsequently learned that the portrait had been acquired by Derby Museum and Art Gallery with assistance from the Heritage Lottery Fund, the National Art Collections Fund, Waste Recycling Environmental (WREN), through the Government's Landfill Tax credit scheme co-ordinated by Derbyshire Environmental Trust, and a variety of other community sources.

Case 20

A pair of silver wall sconces with the mark of Thomas Corbett, 1701

The pair of silver wall sconces both bear the maker's mark of Thomas Corbett, the London hallmark, Britannia mark and the date letter for 1701-02. They were originally supplied to Hugh, 2nd Baron Clifford of Chudleigh (1663-1730) of Ugbrooke Park, Devon. Christie's applied to export the sconces to a purchaser in Monaco whose name was supplied to the Committee but is withheld from the report by request. The value shown on the export licence application was £102,801.25, which represented the hammer price, buyer's premium and VAT on the premium at Christie's sale of 19 November 2002 (lot 142).

The Deputy Keeper of the Metalwork Collection in 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 the sconces under the second and third of the Waverley criteria. She explained that the sconces had been supplied to Hugh, 2nd Baron Clifford of Chudleigh, the younger son of Thomas, 1st Baron Clifford. Thomas Clifford was Lord Treasurer to Charles II and one of his closest advisers, the 'C' of the CABAL ministry. He drew up the documents of the Secret Treaty of Dover, by which Louis XIV promised French support for an attempt to re-establish the Catholic faith in England.

As a committed Roman Catholic, Thomas Clifford was forced to resign his office in 1673 following the Test Act which required all office holders to take communion according to the rites of the Church of England. During his last years of office, his modest Devon house was rebuilt and a new chapel dedicated to St Cyprian consecrated in 1671. In that year his younger son Charles, named in honour of the monarch who was his godfather, was baptised there and received the sumptuous gift from the King of a silver-gilt dish and ewer made by Johann Jaeger of Augsburg. This remained at Ugbrooke, as Charles died there aged 20 in 1691. The eldest surviving brother, Thomas, predeceased his father in Florence in 1671, and the fifth son Hugh succeeded as 2nd Baron at the age of ten on his father's death, four months after the latter's resignation as Lord Treasurer.

Thomas, 1st Baron Clifford, had left £2,000 in his will to complete the building of the house at Ugbrooke 'in such manner and according to the Modell as I have directed the same to be built and finished'. Hugh increased the family property by his marriage in about 1685 to Anne, co-heiress of Sir Thomas Preston of Furness in Lancashire, and developed the woodlands on both his Lancashire and his Devon estates. By 1695, he was able to purchase the remaining parts of the Manor of Chudleigh in Devon for £253.7s and by the time of his death in 1730 the family finances were in reasonably good condition. These sconces marked the restoration of the Clifford family fortunes and a programme of commissioning domestic silver engraved with the Clifford armorials, much of which remained available for study in family ownership. They reflected the 2nd Baron's desire to continue the family tradition of collecting silver, following Charles II's sumptuous christening gift to his godson Charles. Fashionable silver was symbolic of status and reflected the important role of the Clifford family in the life of the nation.

The sconces represented a new design solution in contrast to the earlier baroque oval cartouche form which emerged from the 1660s. Their rectilinear design was inspired by the development of newly fashionable contemporary giltwood mirror frames, firescreens and silver toilet mirrors. It was also extremely practical as they could be easily transported, hung for temporary or permanent use by their silver hooks, or simply placed on a horizontal surface. The borders were a more sophisticated version of the rope twist edging on a lighter contemporary example in the collection of the Bank of England. Similar gadrooned borders occurred on silver toilet mirrors, for example that by London goldsmith Benjamin Pyne of 1694–95, also in the Bank of England's collection. The cast cresting of the two birds and vase of flowers was characteristic of the ornament associated with the work of French emigrant craftsmen and designers in London at this period. The background of the cresting on the sconces was deliberately left with a matt surface to contrast with the burnished surfaces of the birds and flowers, thus enhancing the sophisticated play of reflection in the candlelight. But this French feature was imposed upon an English form.

Thomas Corbett, the London goldsmith who supplied these sconces, was turned over by his English master Matthew Gyles to the renowned Huguenot goldsmith Pierre Platel and completed his apprenticeship only two years before these sconces were made. The sconces reflected the combined influences of Corbett's training under Gyles and in the workshop of one of the leading first generation Huguenot goldsmiths, who in 1703 took on Paul de Lamerie as an apprentice. They demonstrated Corbett's awareness of contemporary French design. Of the handful of pieces recorded with Corbett's mark, a coffee pot dated 1703 also demonstrated these combined influences with its English features of domed lid and curved handle set upon a French type pear-shaped body.

Silver sconces were comparatively rare survivals, and although there were several late seventeenth-century larger sets remaining in private ownership, there were relatively few examples in public collections. The practical L-shape of the Ugbrooke sconces was the earliest securely dated example in silver of what became a popular form of domestic lighting in base metal. Although the fixed plain silver nozzles were slightly later (c. 1725, but not marked), they were probably an adjustment made in the lifetime of the 2nd Baron and therefore did not detract from their importance for study. The hooks might have been added at the time the candleholders were replaced, because wall-hung sconces would have required higher candle supports in order to project light effectively.

The sconces were in exceptionally good condition, partly because of the weight of the silver: the contemporary scratchweights of 26–14–12 and 25–3–12 on the backs of the crestings recorded the original weights. Thanks to the higher silver content of the Britannia standard alloy, the hallmarks, date letters and maker's marks were particularly clear, the leopard's head hallmark recurring on the underside of both the bottom plates. The heraldic engraving was well preserved, the hatching clearly indicating the heraldic colours and metals. Thus the Clifford arms (*Checky or and azure, a fesse gules*), the Baron's coronet, the supporters (*Two Wyverns purpure*) and the motto *Semper Paratus* ('always ready') were clearly legible. It was common for silver made on commission to escape the marking process. The combination of the marks on the sconces and their contemporary engraved armorials added to their importance and rarity, as did the documented history of ownership by the Clifford family until their sale at Sotheby's London, on 30 April 1987 (lot 111). These sconces formed part of a larger collection of domestic silver engraved with the Clifford crest and coronet commissioned by the 2nd Baron Clifford which still remained at Ugbrooke. The muniments of the Clifford family remained at Ugbrooke and an extensive series of bills for the period 1691–1752 might throw further light on the patronage of the 2nd Baron Clifford. The sconces were probably last used at Ugbrooke before the First World War, their subsequent safe storage and rest from regular use in the later twentieth century partly explaining their exceptionally good condition and the crisp quality of the heraldic engraving.

We heard this case in February 2003, when the sconces were shown to us.

The applicant said that Ugbrooke was completely rebuilt by Robert Adam for Hugh, 4th Baron Clifford (1726–83) in the 1760s, so the original setting for the sconces had been lost. They had left the family in late 1987 and had been in a private collection since then. This form of wall-sconce with a broad base-plate, on which the sconce could stand, derived from earlier examples, such as a Chinoiserie-chased wall-sconce of c. 1680, exhibited at 29 Park Lane, London, in *A Loan Exhibition of English Plate and Decorations and Orders*, 1929, no.238. A wall-sconce of similar design, by John Barnard, 1699, was also in the collection of the Bank of England. The overall form was a re-interpretation of earlier Chinoiserie examples, but with emphasis placed on the heraldic decoration and cresting, rather than the chasing. The sconces were well marked on the back plates and had additional Britannia Standard marks on the bases. The sockets, which would have originally been detachable, were unmarked. The nozzles were apparently soldered to the top rim of the socket, which was not characteristic of the time. The spool-shaped form of the socket was the type seen from c. 1725 onwards, which combined with the lack of marks, pointed to them being later replacements.

These sconces were a re-working of a 1680s form, that was not adopted by the fashionable English and Huguenot silversmiths of the eighteenth century, such as Anthony Nelme and Isaac Liger. The maker Thomas Corbett was apprenticed to the celebrated Huguenot goldsmith Pierre Platel. However, unlike another of Platel's apprentices, Paul de Lamerie, Corbett's production seemed to have been small. He did not develop a large workshop with a strong list of patrons.

We concluded that the sconces satisfied the third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at the agreed fair market price of £102,801.25. 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 any serious intention to raise funds. An export licence was therefore issued.

Case 21

A marble statue of Sir George Cooke (1645–1740) by Sir Henry Cheere (1703–81)

The full-length life-size statue and base (height 325 cm, width 122 cm, depth 107 cm) commemorates Sir George Cooke of Belhamond, Harefield, Middlesex (1675–1740), a distinguished barrister of the Inner Temple. The figure stands contemplatively reading a book, leaning against an antique Roman grave stele adorned with rams' skulls. He wears a classical toga over eighteenth-century stockings and slippers. His legs are crossed, and he rests his head on his right hand, and his right elbow leans against the stele. The plinth is inscribed on the front, in italic script:

Hence ever Honour'd rise, Amidst the silence of this Grove, The lov'd Remembrance, and the Form rever'd, of a kind Father and a faithfull Friend: Stranger to civil, or religious Rage! Born to no Pride, inheriting no Strife! The Goods of Fortune (not meanly, nor ambitiously persu'd,) Blest with the Sense to value, With the Art to enjoy, And the Virtue to impart: Diffusing, Happiness & plenty to his Children, Ease to the Opprest, and relief to the Poor. He maintain'd his Integrity, Thro' various circumstances of fortune, And Dying, in an age of general corruption, Had the satisfaction to leave his own Family, Free and Independant.

The foot of the stele is inscribed with two quotations from Horace's Odes Book II:, Ode 3, line 17 (*Then goodbye to your woodlands and your home*) and Ode 14, lines 22–24 (*Nor will any of the trees: You foster, except the unloved cypress: Follow their brief master*). The Latin inscription on the back of the plinth can be translated as follows:

A private testimony to the personal piety of: Sir George Cooke: Chief protonotary of the Court of Common Pleas for twenty-two years: He was born the youngest of twelve children (seven sons and five daughters): To John Cooke of Cranbrooke in the county of Cambridgeshire, Who himself was also protonotary of the court: Which office was accepted from his father Out of the highest love; And which he transferred to his own son. He took as his wife Anne, the youngest daughter of: Edward Jennings of Duddestone in the county of

Shropshire. By his mistress and queen, Anne, he was ruled: And by her he left two children, Anne and George. He died in the year of our Lord 1740, at the age of 65. He gradually succumbed to paralysis.

The Cooke monument remained at the family home at Harefield until the late nineteenth century, first in the ownership of the Cooke family and then of the Vernon family, who married into the Cooke family and inherited Harefield in 1837. Sixty years later, the Vernon family sold Harefield and the monument was taken to the family's other seat at Stoke Park, Stoke Bruerne, Northamptonshire. It remained there until sold by descendants to a private collector in 1996, and had been on display at the Victoria & Albert Museum since October 2001.

Charles Payne applied to export the statue to Mr. Durdin Robertson in the US. The value shown on the export licence application was £390,000, which represented an agreed sale price. In the event of a UK sale, the purchase price would attract VAT.

The Curator of European Sculpture and Metalwork at the National Museums of Scotland, acting as the Department's expert adviser, objected to the export of the statue under the first and third of the Waverley criteria. He explained that this highly important English eighteenth-century marble monument was a type of sculpture unrepresented in any museum collection in the UK. Moreover, it retained its original plinth, which was an exceptional and outstanding work, with two reliefs of putti that had been ascribed to Roubiliac.

Sir George Cooke (1675–1740) was a Tory and a former MP for Middlesex, who lost his seat to Government jobbers in 1722. He was given the office of chief Proto Notary of the Court of Common Pleas by his father around 1710, and transferred it to his eldest son and heir, George Cooke junior, in 1732. Sir George lived at Harefield House, Middlesex, where he built up a fine library, and assembled a substantial collection of classical sculpture and antiquities, which he bequeathed to his sons. George Cooke junior became a notable MP for Middlesex. He made two payments to Henry Cheere for a monument to his father in 1744 and 1749, and erected a commemorative plaque to Sir George in the nearby church at Hayes, Middlesex. George Cooke junior was obviously sincere in honouring his father, but he was also promoting the image and virtues of a country gentleman in the 1740s, in the run-up to his own attempt to win one of the Middlesex seats. In 1749, he stood as a country gentleman against Frazer Honeywood, a 'very active zealous Whig' and an unashamed self-made tycoon from the City, and drew his main support from the country gentry of Middlesex, rather than the city suburbs.

Sir Henry Cheere (1703–81) was the leading English-born sculptor of the period 1730–60 and was responsible for a wide range of busts, figures, chimneypieces, and above all funerary monuments. He was also the brother of John Cheere, who ran the famous yard at Hyde Park Corner, selling lead and plaster busts and statues. The brothers' work could be found all over Great Britain but had tended to be overshadowed by that of their Flemish and French rivals, notably Michael Rysbrack, Louis-François Roubiliac and Peter Scheemakers. Henry Cheere was born in Clapham in 1703 and was apprenticed in 1718 to Robert Hartshorn(e), an assistant to William and Edward Stanton. By 1726, he was established in Westminster and went on to become an important member of the parish. He was joined by the Flemish sculptor Henry Scheemakers (c. 1729–34) and took on many apprentices.

In 1743 Cheere was appointed 'Carver' to Westminster Abbey, which led to at least nine monuments in the Abbey and to the purchase of more property in the area. Increasingly prosperous and well connected, the sculptor was a director of the Westminster Fire Office in 1745–47 and 1760–62 and Controller of Duties for the Free Fish Market of Westminster from 1749. Cheere became JP for Middlesex and a Fellow of the Society of Antiquaries in or around 1750. He was one of the first artists to join the Society of Arts, founded in 1754, and wrote *A Plan for an Academy for Sculpture and Painting* around this time. Cheere was knighted in 1760, after presenting the address from the county of Middlesex to King George III, and was made a baronet six years later. He retired from business and sold the contents of his workshop in March 1770. His sculpture might seem dated and formulaic, like much late baroque and rococo art, but could still astonish. Two of his most surprising and dramatic works were the monuments to James Cooper (d.1743) and his wife in All Saints, West Ham, Essex, and to the Earl of Kildare in Christchurch Cathedral, Dublin. One of his largest undertakings was the equestrian monument to King William III, of about 1757, in Petersfield.

The statue of Sir George Cooke and its pedestal were of considerable importance in the history of funerary and commemorative sculpture in Britain, reflecting the 'take up' and development of a particular symbolic pose and the influence of Louis-François Roubiliac. They were not intended for a church but for a specially created grove close to the deceased's house, and projected a powerful political message. Sir George Cooke was represented reading, with his legs crossed, in an attitude associated with contemplative melancholy and indifference to death. The basic pose seemed to have been introduced to Britain by Giovanni Battista Guelfi, who used it for his monument to James Craggs of 1727 in Westminster Abbey. It was made world famous by Peter Scheemakers in his statue of William Shakespeare of 1740, also in the Abbey. Cheere himself employed the cross-legged pose in his monument to Bowater Vernon (d.1735) at Hanbury, Worcestershire. The statue of Sir George was a successful, naturalistic development of the pose, which retained and refined the stele with rams' heads (based on Roman or Greek funerary altars) but dispensed with the putto and oval medallion on the left on the Vernon monument.

Cheere was influenced by Roubiliac and was responding to his work. The relaxed attitude and dress – especially the crumpled stockings and the right heel coming away from the slipper – recalled Roubiliac's statue of Handel, completed in 1738 (now in the Victoria & Albert Museum), while the two reliefs of putti on the pedestal had actually been attributed to Roubiliac. These reliefs showed two putti with a statue of Justice (alluding to Sir George's legal career and his pursuit of justice) and another pair of putti in a library with five classical busts. The latter was either a view of Sir George's own library or, more likely, an imaginative reference to his learning and connoisseurship.

According to William Vernon, who owned Harefield in the mid-nineteenth century, the statue stood at the 'South end of the terrace'. The setting was effectively in the bosom of the family and was intended to increase the sense of retired melancholy, indicated by the statue, and ensure that the monument made the maximum impact upon the viewer. Visitors to the grove looked up at the scholarly figure of Sir George, read the inscriptions and were mightily impressed with his learning and taste, devotion to his family and generosity. However, George Cooke junior was also skilfully drawing attention to his father's loyalty to the Crown (two children being named after Queen Anne and King George) and his forbearance 'Thro various circumstances of fortune...in an age of general corruption'. Here, Cooke junior was pointing out, was a highly able servant of the nation, who had been unjustly prevented from representing the

county of Middlesex, but had been so full of virtue that he had accepted this major upset with commendable Christian and classical restraint and had retired to the country to study and collect and become a better, wiser man. The subtext was that Sir George and his ambitious son were countrymen, like the local electors, and that George Cooke junior could be trusted to represent Middlesex with dedication and honour in the House of Commons.

The commission must have been undertaken during the 1740s, because the Cooke papers recorded that George Cooke junior paid Henry Cheere £150 on 22 December 1744 and a further £186 on 26 November 1749. This was a large amount of money – bearing in mind that Cheere's statue of Codrington and its base cost £148 9s 6d in the mid-1730s. It must have included the charge for the commemorative plaque to Sir George and may have encompassed other items. Much of the actual carving would have been executed by Cheere's workshop.

Gunnis and some later commentators had attributed the two reliefs on the pedestal to Roubiliac, but there appeared to be no written evidence to support this. There was no reference to Roubiliac in Cheere's account with Hoare's bank and the allegation that Cheere employed Roubiliac seemed to depend on Cunningham's *Lives of British Painters, Sculptors and Architects*, published in 1830, and other nineteenth-century sources. A vital piece of information could be missing; but Malcolm Baker had published the observation that the putti and angular drapery in the reliefs could be paralleled on other works by Cheere, such as the monument to Admiral Sir Thomas Hardy (d.1732) in Westminster Abbey. Stylistically, therefore, Cheere did not have to rely on Roubiliac and he also seemed to have employed some talented carvers of reliefs. There seemed little doubt that Cheere had the resources both to design and to carve the reliefs on the Cooke monument. The influence or direct involvement of Roubiliac was a pivotal matter, for the understanding of both Cheere and Roubiliac, and required much more research in archives and contemporary publications. It might help explain Roubiliac's series of commissions at Westminster Abbey, and that the reliefs were also extremely fine works of art, which occupied a significant position in the history of small reliefs on all types of sculpture.

We heard the case in April 2003, when the statue was shown to us.

The applicant did not dispute the argument for the statue's importance under the Waverley criteria, but pointed out that he had tried for some considerable time to find an institution in the UK that would be prepared to purchase the statue before seeking to export it.

We concluded that the statue 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 £390,000 plus 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 three months.

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

Case 22

Letters and diaries of Claudius James Rich (1787–1821)

The group consists of 43 holograph letters from Claudius James Rich and 143 holograph letters from his wife Mary, mostly written from Baghdad from 1808 to 1818, on over 1,000 pages, and five journals (292 pages) written by Claudius Rich, describing his journeys from Baghdad to Constantinople, Constantinople to Vienna, Geneva to Constantinople, Constantinople to Baghdad and Bushire to Shiraz, 1813 to 1821. Bernard Quaritch Ltd applied to export the papers to a university library in the USA. The value on the export licence application was £60,000, which represented an agreed sale price. In the event of a UK sale, the dealer's commission would attract VAT.

The Curator of Manuscripts at the British Library, acting as the Department's expert adviser, objected to the export of the papers under the first and third of the Waverley criteria. She explained that the material was of outstanding national importance for its bearing on the formation of the national collections of Near Eastern manuscripts and antiquities, and also for the study in context of early orientalism and the development of Near Eastern archaeology.

The applicant did not dispute that the papers met the Waverley criteria, but pointed out that they had tried to place them in a major national institution in the UK before seeking to export them.

Claudius James Rich (1787–1821) was an orientalist, linguist, and antiquary of remarkable distinction. The illegitimate son of an Irish army officer, he showed a striking aptitude for oriental languages from an early age. Having been granted a cadetship and then a writership in the East India Company, he married Mary, the eldest daughter of Sir James Mackintosh, historian and Recorder of Bombay, and was promoted to the Company's Resident at Baghdad, a post he held from 1808 till his premature death from cholera in 1821.

In the course of his short career Rich made himself a pioneer in the field of Near Eastern archaeology and antiquities. In addition to his official duties as Resident, he began to collect coins, manuscripts and fragments of pottery and sculpture. In 1811 he made a ten-day visit to the ruins of Babylon, extensively measured and sketched them, and described his findings in two *Memoirs on the Ruins of Babylon* (1815, 1818). These had a great popular success, making him sufficiently celebrated to be mentioned as the discoverer of the ruins in Byron's *Don Juan*. After his death his major collection of Arabic, Persian, Turkish, Syriac and Armenian manuscripts was bought by the British Museum with a parliamentary grant for £7,500 and was now at the British Library (together with Rich's portrait, which now hung in the Oriental Collections Reading Room). His corresponding collection of antiquities – coins, fragments of Assyrian sculpture, cuneiform tablets and cylinder seals – remained at the British Museum, where it formed the basis of the Museum's collections of objects from the ancient Near East and had a major inspirational function in stimulating further study of these civilizations.

Rich's archive, his own written record of his life and work in the Near East, was therefore of corresponding national importance. In recognition of this, a large group of his diaries and field notes was already part of the Oriental Collections at the British Library. The material under consideration was closely related to this: it consisted of five more of Rich's journals from 1813 to 1821, and a group of nearly 200 letters from 1808 to 1818, 43 from Rich and 143 from his wife Mary, to her sister Maitland and the latter's husband

William Erskine, secretary to Sir James Mackintosh and himself a noted orientalist and collector. Four of the present journals, describing journeys from Baghdad to Constantinople to Vienna in 1813 and from Geneva to Constantinople and back to Baghdad in 1815 (including a visit to the site of Nineveh) filled gaps in the existing sequence of Rich's journals. Two of Rich's notebooks in the British Library could also be seen to be the companion volumes of the present journals: the latter contained the narratives, the former the field notes of the same journeys from Constantinople to Baghdad in 1815 and from Bushire to Shiraz (where Rich died) in 1821. Several of the other notebooks were undated, but it was very likely that they too would be linked with the journals when they were more closely studied. The last of the journals under consideration, that of 1821, was also important because it contained copies of inscriptions and descriptions of monuments. These deserved close investigation for their possible relationship to antiquities now in British Museum collections. The material was therefore an integral part of Rich's archive and collections.

Both the journals and the sequence of letters were important in providing the personal and contemporary context for Rich's historical and archaeological investigations. They also put him in a European setting by describing in detail a journey the Riches undertook between 1813 and 1815 through Constantinople to Bucharest, Vienna, Switzerland and Paris and back again. Rich showed himself a diarist and travel writer of distinction. A romantic who could speak movingly of viewing the ruins of Persepolis by moonlight, he was also an acute observer of the contemporary Near East. He had left graphic descriptions of the regions through which he journeyed and was a particularly valuable source on the surviving Christian communities. One of many lengthy lists he provided was of the religious affiliations of the villages in the province of Mosul (now northern Iraq), the names of which he gave in Arabic. Mary Rich was an exceptionally lively and observant letter-writer and her testimony was valuable to set beside that of her husband. It was she who contributed to his posthumous reputation by editing a further selection of his writings for publication as *A Narrative of a Residence in Koordistan, and on the Site of Ancient Nineveh* (1836).

Not only the rest of Rich's records but also the archives of Sir James Mackintosh, William Erskine, Sir Robert Ker Porter (a traveller and orientalist who was Rich's contemporary, the accuracy of whose drawings he was able to verify for himself) and his distinguished successor in the field of Near Eastern archaeology, Sir Austen Henry Layard, were already in the national collections. If exported, these diaries and letters would become a fragment lacking context, separated from the rich national holdings that documented the growth of interest in and knowledge of the ancient civilizations of the Near East, of which they were an intrinsic part.

We heard this case in April 2003, when the papers were shown to us.

We concluded that the papers 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 £61,575 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 three months.

We subsequently learned that papers had been acquired by the British Library within the initial deferral period of two months.

Case 23

A miniature of the *Nativity*, attributed to Jean Bourdichon, c. 1510

The miniature of the *Nativity* (29.3 x 19 cm) is from a Book of Hours executed probably in the studio of Jean Bourdichon of Tours, painter to the Kings of France, c. 1510, and traditionally said to have been owned by Henry VII. It is similar in style and composition to another representation of the *Nativity* in Bourdichon's *Grandes Heures of Anne of Brittany*. The text on the verso of the leaf is the beginning of the section of the *Hours of the Virgin* for Prime. The miniature (in a small oak picture frame) was presented to Dr. Alan Stevenson by Dr. and Mrs. Christopher Kempster of London (in about 1940), whom he met on a voyage to India in 1926 and saw frequently in London and Westcliff. At the sides of the frame are two holes showing that it had been held in a stand. It was mounted in March 1952 by the British Museum. Sam Fogg Ltd applied to export the miniature to the J. Paul Getty Museum, Los Angeles, USA. The value on the export licence was £250,000, which represented the agreed sale price.

The Curator of Manuscripts at the British Library, acting as the Department's expert adviser, objected to the export of the miniature under all three of the Waverley criteria. She explained that the miniature was of outstanding national significance because it derived from a major illuminated manuscript associated with Henry VII and the Royal Library, that it was of outstanding aesthetic importance and that it was an important addition to the study of its source manuscript and of Renaissance court painting.

The so-called *Hours of Henry VII*, from which this miniature came, was dismembered and its miniatures dispersed at an early stage, probably in the late seventeenth century, and it had now to be reconstructed from its known fragments. This reconstruction had shown it to be a major addition to the recognised work of Jean Bourdichon of Tours, court painter successively to Charles VIII, Louis XII, and Francis I of France, and the artist of the *Hours of Anne of Brittany*. The tradition connecting it with Henry VII derived from the volume containing the largest surviving portion of text (British Library Royal MS 2.D.XL). The title on the spine of the nineteenth-century binding read *H.vii.R*. Since Thomas Dibdin mentioned the volume as Henry VII's property in his *Bibliographical Decameron* of 1817, before the date of the present binding, it seemed likely that the title had been copied from an earlier binding. A possible variant on Henry VII's ownership was that Henry VIII had acquired the volume from his sister Mary Tudor when she returned to England after the death of her husband, Louis XII of France. The volume certainly came to the British Museum in 1757 with the rest of the Royal manuscripts, but did not figure in their catalogue of 1734. However, there were other instances of known alienations from the Royal Library and this volume might have been returned in the eighteenth century as a recognised stray.

Three of the detached miniatures from this volume came into the collections of the British Museum (now British Library) Department of Manuscripts in 1899 (Add. MS 35254 T, U and V: *Job and his Comforters*, *Pentecost*, and *The Annunciation*), though they were not identified until Janet Backhouse's reconstruction of the volume ('Bourdichon's *Hours of Henry VII*', *British Museum Quarterly*, 1973, pp. 95–102).

Further textual fragments were in the collections of Bagford (British Library Harley MS 5966, f. 9) and Pepys (Magdelene College, Cambridge, Calligraphical Collection, I, p. 13). Two others in this country were now in the National Library of Scotland (*St Luke*) and the Bristol Art Gallery (*The Visitation*). The largest portions of the Book of Hours were therefore in this country. Four other miniatures from this book (*Adoration of the Magi, Flight into Egypt, Bathsheba Bathing* and the *Presentation in the Temple*) had been acquired by Bernard Breslauer in London (Sotheby's, 8 July 1974, lot 25, Christie's, 11 July 1974, lots 6 and 7) and New York (*The Bernard H. Breslauer Collection of Manuscript Illuminations*, ed. William M Voelkle and Roger S Wieck, New York, 1992, pp. 76–81). In addition four of the calendar pages had been identified in the Philadelphia Free Library (first publicised in *Leaves of Gold: Manuscript Illumination from Philadelphia Collections*, 2001, no. 16). Other miniatures and fragments were still unlocated and might yet come to light.

The expert adviser therefore believed that the importance of the source volume and its long association with the royal collection, the stature of the artist to whom it was attributed, and the fact that each detached miniature had a claim to be treated on its aesthetic merits should all be set against the dispersal of other parts of the Book of Hours. In addition, the present miniature had only very recently come to light, having first been documented very briefly in 1952, when it was brought to the British Museum for examination, and was subsequently lost sight of until the present proceedings. Opportunities for study in context had therefore not yet begun.

We heard this case in May 2003, when the miniature was shown to us.

The applicant said that this miniature was accepted as probably coming from a fragmentary *Book of Hours* that was largely dismembered and that, although the core of the book (less than a quarter of the original) survived in the British Library along with three of the book's best miniatures, many other parts belonged to other collections. While it was possible that the present leaf belonged to the book in the seventeenth century, when it was broken up, the argument that the book itself originally belonged to Henry VII was far from secure. The earliest evidence that it did belong to Henry VII dated only to the early nineteenth century. Roger Wieck, Curator of Medieval and Renaissance Manuscripts at the Pierpont Morgan Library in New York, regarded the evidence sceptically in a catalogue of 1992. The book was not a commission of Henry's in any case, and was more likely made for King Louis XII of France. Of the surviving full-page miniatures from this book, the three in the British Library were unquestionably the finest. The *Nativity* was not their equal in quality, nor was it as well preserved. The figure of the Christ Child was noticeably abraded, areas of loss and darkening in the lead white pigments were detectable throughout, and the lower left corner of the support had become brittle from the use of corrosive pigments.

We concluded that the miniature satisfied the second and third 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 £250,000. 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 by the Victoria & Albert Museum of a serious intention to raise funds with a view to making an offer to purchase the miniature. A decision on the export licence was deferred for a further three months. We subsequently learned that the miniature had been acquired by the Victoria & Albert Museum with assistance from the National Heritage Memorial Fund and the National Art Collections Fund.

Case 24

A bronze incense burner attributed to Desiderio da Firenze, c. 1540

The incense burner is bronze, 51.2 cm in height, and is attributed to Desiderio da Firenze (active 1532–45). It was auctioned at Christie's sale of *Works of Art from the Wernher Collection* in London on 5 July 2000 (lot W65). Daniel Katz Ltd applied to export the incense burner to Michael Lynch in Massachusetts, USA. The value on the export licence application was £900,000, which represented the agreed sale price.

In the event of a UK sale, the price would attract VAT.

The Keeper of Sculpture, Metalwork, Ceramics and Glass at the Victoria & Albert Museum, acting as the Department's expert adviser, objected to the export of the incense burner under the second and third of the Waverley criteria, it being both an item of outstanding aesthetic importance and of outstanding significance for the study of the subject of which it formed a part. The burner was documented in two inventories (dated 1913 and 1914 respectively) made after the death of Sir Julius Wernher (1850–1912), having been on the mantelpiece of the 'Red Room' at Bath House, London. It was bequeathed to his widow, Alice, Lady Wernher (subsequently Lady Ludlow [1862–1945]), and to their son Sir Harold Wernher, (3rd baronet) GCVO (1893–1973); then by descent. Since 1948, it had been housed at the family's country house at Luton Hoo, Bedfordshire, which was opened to the public in 1950. The Wernher Collection, one of the foremost in England, was partially dispersed following the death of Sir Julius Wernher's great grandson, Nicholas Philips, in 1991 and the subsequent sale of Luton Hoo. The remainder is on extended loan from the Trustees of the Wernher Foundation to the National Trust and displayed at Ranger's House, Blackheath.

Functional bronzes were popular with nineteenth- and early twentieth-century collectors, appearing in numerous major collections of the period, and sometimes commanding even higher prices than statuettes. The present exquisite bronze incense burner was one of only five known examples of this model, comprising two in the Metropolitan Museum of Art (Robert Lehman Collection, inv. nos 1975.1.1396 and 1975.1.1397); one in the National Gallery of Art, Washington DC (Widener Collection, inv. no. 1942.9.139), and a silvered version currently on the Paris art market.

Despite the variations in the decorative motifs and differences in quality, these burners were clearly produced by the same workshop, with the possible exception of one in the Lehman Collection (1975.1.1397) which might be a later aftercast.

At one time thought to be the work of the outstanding bronze and terracotta specialist, Andrea Briosco, called Il Riccio (1470-1532), the burners were subsequently assigned to the Paduan sculptor, Agostino

Zoppo (1520–c. 1572) by comparison with the *Mountains of Hell* incense burners mentioned in his will, two versions of which were in the Victoria & Albert Museum. They had also been tentatively connected with the work of the sculptor/founder believed by some to have inherited Riccio's workshop, Desiderio da Firenze (documented active 1532–45). This attribution had recently been put forward by Jeremy Warren as part of a reassessment of the artist's oeuvre ('"The Faun Who Plays on the Pipes": A New Attribution to Desiderio da Firenze', in Debra Pincus (ed.), *Small Bronzes in the Renaissance. Studies in the History of Art*, 62, Centre for Advanced Study of the Visual Arts, Symposium Papers XXXIX, New Haven and London, 2001, pp. 83–103, with additional literature).

Desiderio was an elusive but important bronze maker, known only from two documented works. The most significant was the exquisitely crafted Voting Urn in the Museo Civico, Padua, documented through payments made by the *Consiglio* (legislative council) of the Comune of Padua between 7 March 1532 and 8 February 1533, and signed 'Desiderio scultor et zetador' (sculptor and founder). The attribution of other bronzes to his workshop was based primarily on the style of his autograph Voting Urn, which had been the subject of numerous studies. The style and treatment of the urn betrayed the Florentine origins indicated by Desiderio's name. His apparent knowledge of the work of Andrea del Verrocchio (1436–88), amongst others, suggested that he spent his formative years in his native city before moving to Padua or Venice. Desiderio's work had been characterised as combining elements of his Florentine roots with direct influences from Paduan and Venetian masters.

In support of the attribution of the perfume burners, Warren highlighted the similarity of technical treatment with the urn, as well as the employment of motifs that related both in style and form. The three figures on the main body of the cylinder bore a stylistic relationship to works by Tiziano Minio, with whom Desiderio collaborated on the Venetian font cover. The figure of Pan that sat atop the perfume burner derived from a combination of satyr models by Severo da Ravenna (1465/75–before 1538), another leading bronze sculptor active in Padua from 1500 to c. 1509, and Riccio, whom Severo was now considered to have influenced. The strongly modelled and characterised masks on the lid and cylinder of the burner (similar motifs were found on the urn) reflected an interest in realism also seen in Riccio's work.

The attribution of the perfume burners and other sculptural works to Desiderio da Firenze had been widely, but not universally, accepted by scholars in the field. The varying views underlined the complexity of the study of Renaissance bronze production and the importance of continued research, particularly as the perfume burners provided a bridge between the different aspects of Desiderio's proposed output. His stylistic relationship with both the leading fifteenth-century Florentine and early sixteenth-century Paduan masters, whose works it was proposed he sometimes copied, placed Desiderio at a potentially pivotal point in the history of bronze production following the great master of the small bronze, Andrea Riccio.

Regardless of the attribution of the work, the perfume burner was a tour-de-force, bringing together a range of design influences, and was superbly crafted, thereby providing an excellent example of the type of luxury goods which fulfilled both a decorative and a functional role. The combination of lively modelling and technical accomplishment was characteristic of the finest sixteenth-century North Italian bronzes.

Despite great advances in scholarship over the last 40 years, we still knew comparatively little about bronze production in Renaissance Italy. Research in the archives in Verona, Padua and most recently in Venice, together with technical studies, were shedding more light on this difficult subject and focusing attention on the significance of foundry production in the Veneto. It was clear that many of the sculptural and decorative functional bronzes, as well as some statuary, were produced by founders, sometimes based on the works of contemporary or earlier sculptors. The perfume burner provided an ideal example of this type of object. Its attribution to an artist whose only known surviving autograph work was signed 'sculptor and founder' highlighted the importance of this issue. In addition, the exceptional marriage of different elements and styles on the perfume burner exemplified the cross-fertilisation of ideas and practices.

The indirect lost-wax method by which this bronze was made allowed replication with variation, so that each version was effectively unique. The outstanding quality of this piece, which uniquely retained its original, pierced copper separator between the burning pan and the cylinder, enhanced still further the exceptional nature of this rare bronze. The finely textured background was created in the wax with no evidence of chasing, and it had been contended that this was true of the entire surface treatment, an unusual technique also identified with Desiderio's Voting Urn. Such technical skill might be associated with a founder used to casting bells, which, due to the nature of bell-metal, were required to come out of the mould as cleanly as possible. Detailed technical examination of the burner would reveal the extent of any after-work: fine striations were visible on the Pan, for example, and it was possible that details of the foliage, waves and other areas had been sharpened.

The maker ingeniously adapted his casting technique to the joint needs of function and decoration by utilising the pins required to hold the core in place during the casting process. Around the top of the cylinder, more pins were used than was strictly necessary, and these were evenly placed at strategic points in the acanthus decoration. When removed, decorative holes facilitated the escape of smoke from inside the burner. The figure of Pan was cast in one with the lid; removal of the core provided access to holes in the mouth and ears. Similar adaptation of the technique could be seen on the finer of the two Lehman bronzes, notably the ram's heads not included here.

We heard this case in June 2003, when the incense burner was shown to us.

The applicant did not dispute that the incense burner met the second and third of the Waverley criteria.

We concluded that the incense burner satisfied the second and third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at the agreed fair market price of £900,000 plus 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 three months.

We were informed by the Ashmolean Museum in Oxford of a serious intention to raise funds with a view to making an offer to purchase the incense burner. A decision on the export licence was deferred for a further three months. We subsequently learned that the incense burner had been acquired by the Ashmolean Museum with assistance from the NHMF and the NACF.

Case 25

A Roman marble statue of Venus, known as the 'Jenkins' or 'Barberini' Venus, 1st–2nd century AD

The marble statue shows the goddess Venus standing naked, with a support next to her left leg in the form of an alabastron with a flat shell on top. The alabastron is entwined with a heavily laden vine in which two tiny Erotes play as a third collects apples into a basket at the foot of the vine. The goddess wears two arm bands; that on the right arm is not ancient, but the one on the left arm is ancient and is decorated with dolphins. The statue is of Parian marble, its height 163 cm including the pedestal. It has been restored in the following areas: the nose of the recut and rubbed down alien head; the right arm from above the armband; the left arm below the bent elbow; the right leg from midway down the shin; the left leg from above the knee alien with restored toes, a large inset panel in the back of the thigh concealing an iron bar strengthening the link to the support; the heads of the two Erotes on the recut and alien support; the profiled base around the alien plinth. The whole body has been smoothed over, the front more so than the back.

Forship Ltd applied to export the statue to a purchaser in Qatar, whose name was supplied to the Committee but is withheld from the report by request. The value shown on the licence application was £8,053,813.75, which represented the hammer price, plus buyer's premium and VAT on the premium at Christie's sale of 13 June 2002 (lot 112).

The Keeper of the Department of Greek and Roman Antiquities at the British Museum, acting as the Department's expert adviser, objected to the export of the statue under all three of the Waverley criteria explained that the *Venus*, which was purchased in 1765, was widely regarded as the most important of the ancient sculptures acquired by William Weddell (1736–92) for Newby Hall. The son of an extremely wealthy Yorkshire grocer, he was educated at Cambridge and set off on a Grand Tour in 1764 in the company of the Rev. William Palgrave. Weddell already had clear notions as to how he wished to improve the house that he had inherited. In Paris, he ordered a set of tapestries after designs by Boucher and in Rome, where he arrived at the end of December, he began purchasing marbles for his intended sculpture gallery, for which the architect John Carr had already laid out the shell. Palgrave wrote that 'Weddell is buying such a quantity of pictures, marbles etc as will astonish the West Riding of Yorkshire.' His preferred dealer was Thomas Jenkins (1722–98), who wrote in 1765 that Weddell had purchased 'the greatest part of the Paintings and Sculpture that I had.' Nevertheless, he also purchased from Cavaceppi and Piranesi. In March of 1765 Weddell had seven cases of marbles exported from Rome, in April a further 12 and in May some 86 paintings and the 'Jenkins' *Venus*, a sobriquet first attached by J. J. Winckelmann.

The *Venus* was first recorded in 1738 in an inventory of the Barberini Collection as 'una statua al naturale rappresentante una Venere nuda con tronco a'piedi, con diversi putti di bassi rilievi, uva e frutti'. The 'marrying' of the torso with the left leg support (perhaps originally from a statue of Dionysus, given the decoration) and fragment of the plinth must, therefore, have been done before it was acquired by Gavin Hamilton (1723–98) in 1763. He had developed a good relationship with the Barberini family at this period and acquired the sculpture from the Princess Barberini for 300 scudi (about £65). Further restoration work was then carried out, either by Pietro Pacili or by Bartolomeo Cavaceppi or by both – the various early stories did not match up. The head, which was clearly alien, had been, according to Joseph

Nollekens, a portrait of Agrippina which had a veil trimmed away by the restorer (perhaps Pacili), who also trimmed the neck to fit the torso. This report seemed perfectly plausible. The style of plinth moulding and some of the detailed restoration work on the support had been associated by Seymour Howard with Cavaceppi. The right leg and arms might well have been added at this point too. The sculpture, when fully restored, was finally exhibited by Jenkins in 1764, with no information as to its origins other than a claim that it had been found intact, as Winckelmann records.

Weddell was shown it in the spring of 1765 and persuaded to buy it for a sum that is reported as being anywhere between 1000 and 6000 guineas. The exact price seems to have been deliberately obscured both by Jenkins and the family, the payment taking the form of a lump sum and an annuity of a sum that remained private. The *Venus* was exported from Rome with a 'lettera di passo' of the Papal Chancellor dated 17 May 1765, with a detailed declaration to Customs concerning the recent restorations ('con testa riporta non sua braccia, gamba dritta con l'intera base moderno lavoro') and the valuation that appeared in the Barberini accounts, all in order to reduce the export fees. Papal permission had only been obtained because of 'the fortunate circumstance of its being a naked female', as Jenkins records, and the rumour promulgated by him that the purchaser was the King of England.

Weddell returned to Newby Hall in the summer of 1765 and was elected to the Society of Dilettanti in the following year. He then employed Robert Adam to prepare the scheme for the interior of the sculpture gallery. The result was a beautiful triple-roomed gallery, comprising a square room on either side of a central domed rotunda, all richly decorated with delicate plasterwork. The *Venus* was placed in the beautiful top-lit domed rotunda, balanced by a statue of Minerva, which had had as complicated a history as the *Venus*. All of Weddell's paintings had been dispersed, but until 2002 all the sculptures remained *in situ*. It was, therefore, a great shame that such an original design had been lost.

The 'Jenkins' *Venus* was normally regarded as a copy of the so-called Medici type (named after the celebrated example from the Medici Collection which had been in the Tribuna of the Uffizi since 1677) and, indeed, as one of the best examples. It would thus be a Roman copy, dating from either the late first century or the first half of the second century AD, of a Hellenistic type, probably created in the second century BC. The general pose and scale of the statue fitted the Medici type, but the arrangement of the hair over the shoulders was unparalleled and suggested a slight variation on the normal type, perhaps connected with the so-called 'Venus Felix' type, which adopted the Cnidian pose but with drapery in the right hand. Such issues required further research. The 'Jenkins' *Venus* had two arm bands: that on the right arm was not ancient, but the one on the left arm was ancient and was decorated with dolphins. It might well be intended to recall the popularity of Aphrodite with sailors (Aphrodite Euploia). Indeed, one might guess that the original support had taken the form of a dolphin, perhaps with an Eros on its back.

The piece's particular importance to scholarship was the series of insights that it provided into the workings of the antiquities market in the eighteenth century, including the activities of the restorers and the dealers, and the idea of the complex and highly skilled transformation of a single sculpture from a headless torso into a complete statue.

The *Venus* was clearly launched by Jenkins as a rival for the well-known and much admired *Medici Venus*, a piece that had frequently been cast and replicated. In itself, however, once the 'Barberini/Jenkins' *Venus*

had reached Yorkshire, it had little chance of attracting an international audience. It was, nevertheless, much praised by those who saw it, including John Flaxman, and Michaelis regarded it as 'one of the best examples of the well-known *Medici Venus*'. The *Venus* was also clearly the finest of the sculptures that Weddell collected in Rome, its quality shining out despite the eighteenth-century restorations.

The wonderful architectural context created by Robert Adam at Newby Hall provided an extraordinary setting for the *Venus*, along with Weddell's other classical sculptures. The dismemberment of this, the last complete eighteenth-century sculpture gallery in this country, and a particularly beautiful one at that, was greatly to be regretted.

We heard this case in June 2003, when we saw the statue.

The applicant said that the chief significance of the statue was that of its Grand Tour associations. However, the British Museum had an entire collection of marble sculptures acquired in the 1760s to 1770s on the Grand Tour by Charles Townley and there were the sculptures still in country house collections, including the other sculptures from William Weddell's collection at Newby Hall. Other museums had significant collections, including the highly important Grand Tour Ince Blundell sculpture collection in Liverpool, which is currently in storage. If this statue were to be exported, there would still, therefore, be a sufficient representational group of Grand Tour material in the UK available to public and scholars alike, so its departure would not be a 'misfortune'.

In agreement with the purchaser, the vendor had already laser scanned the *Venus* which would be used in the future to construct a replica of the sculpture that would then be displayed in the sculpture gallery at Newby Hall. Another sculpture from the Newby Hall collection had replaced the *Venus* in the sculpture hall, so there was no change in the overall use of the Robert Adam gallery. Being a private collection, the sculptures at Newby had been rearranged over the years and it was not a static collection. The *Venus* had indeed been moved around previously within the sculpture gallery.

The *Venus* did not compare aesthetically with Venus statues already in the national collection at the British Museum. Of these, the most significant was the 'Townley' *Venus* which was excavated at Ostia by Gavin Hamilton. This statue was aesthetically far superior to the 'Jenkins' *Venus*, in that it is virtually complete with its original head and only restorations to the left arm, lower right arm, part of the left thigh, small parts of the drapery and the tip of the nose. In contrast the 'Jenkins' *Venus* was a composite statue; it had extensive restorations, including a head from another statue altogether. In fact, only the body of the Jenkins *Venus* was recorded as originally coming from the Barberini Collection, with the head being added later in order to make it more attractive to the market.

The back of the head had been crudely restored in the eighteenth century. The head was originally veiled with the back being chiselled away and totally recarved as hair in order to transform it into a head of Venus. The contrast between the carving of the hair at the front and the crude recarving at the back was particularly marked. There were also restorations to the statue's right arm, including a dolphin armlet which had been wrongly added, as Venus should only wear one armlet as seen on her ancient upper left arm. Restorations also included her lower left arm, the tip of her nose, part of the left buttock, lower right leg, two toes on the left foot, parts of the support including two erotes' heads. This support had also been

extensively reworked. The whole of the body had been totally worked over so there was no original ancient surface, with a cutting down of the original hips. Given the amount of restoration and reworking, the 'Jenkins' *Venus* was far from being of outstanding aesthetic importance.

As the statue was basically a jigsaw put together in order to sell it to William Wedell in the eighteenth century, it had nothing significant to add to the study of ancient sculpture or Venus types in particular. As outlined above, the surface was not original, some of the torso had been cut down, and the head did not belong. There was also no reason to attribute the restorations to Cavaceppi: the back of the head, in particular, was particularly badly executed and impossible to imagine as having been executed by a master sculptor. This was also the conclusion of the catalogue of the only exhibition in which the statue had been included – cf. C Picon, 'Bartolomeo Cavaceppi', 1983, pp.50–1: 'It is not possible to determine whether or not Cavaceppi was responsible for this reworking [of the back of the head] and for the restoration in general.'

It was significant that the *Venus* had never been included in a major antiquities exhibition; the only exhibition was one held in 1983 devoted to the restorer, Cavaceppi, held at the Clarendon Gallery Ltd in London. Although the 'Jenkins' *Venus* had been published in the past, most of the twentieth-century publications had contained short references to the sculpture. There had not been extensive academic articles or publications on this Venus, the last being the above-mentioned small exhibition catalogue 20 years ago.

With regard to the 'Jenkins' *Venus* being an example of taste in the eighteenth century on the Grand Tour, there was more than enough statuary from the extensive Townley Collection in the often closed basement gallery of the British Museum to satisfy this realm of study.

We concluded that the statue satisfied all three of the Waverley criteria. We also concluded that the statue merited a starred rating, meaning that we considered it to be of particular importance and that every effort should be made to raise funds to retain it in the UK. 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 £8,053,813.75 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 six 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 issue to raise funds. An export licence was therefore issued.

Appendices

Appendix A

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

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

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

Appendix B

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

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

- (i) the independent members of the Reviewing Committee *ex officio*;
- (ii) the departmental assessors on the Reviewing Committee (that is representatives of the Department for Culture, Media and Sport, Department of Trade and Industry, HM Treasury, Foreign and Commonwealth Office, HM Customs and Excise, Scottish Executive Education Department, National Assembly for Wales and Northern Ireland Department for Culture, Arts and Leisure);
- (iii) the Directors of the English and Scottish national collections, the National Museum of Wales and the Ulster Museum, and the Librarians of the National Libraries of Wales and Scotland;
- (iv) the expert advisers to the Department for Culture, Media and Sport, to whom applications for export licences are referred, other than those who are members by virtue of (iii) above;
- (v) eight representatives of non-grant-aided museums and galleries in England, Scotland, Wales and Northern Ireland, nominated by the Museums Association;
- (vi) representatives of: the Association of Independent Museums; the Arts Council of England; the Scottish Arts Council; the Arts Council of Wales; the Arts Council of Northern Ireland; the National Art Collections Fund; the National Trust; the National Trust for Scotland; the National Heritage Memorial Fund; the Heritage Lottery Fund; the Pilgrim Trust; the Resource/Victoria & Albert Museum Purchase Grant Fund; the Resource/Science Museum Fund for the Preservation of Scientific and Industrial Material (PRISM); the Public Record Office; the National Archives of Scotland; the Friends of the National Libraries; the Conference of Directors of the National Museums and Galleries.
- (vii) representatives of: Royal Academy of Arts; Royal Scottish Academy; British Academy; Society of Antiquaries of London; Historic Houses Association; Royal Historical Society; Council for British Archaeology; Standing Conference of National and University Libraries; Resource: The Council for Museums Archives and Libraries; British Records Association; Scottish Records Association; Society of Archivists; Library Association; Canadian Cultural Property Export Review Board (*observer status*); Royal Commission on Historical Manuscripts;
- (viii) representatives of the trade nominated by: Antiquarian Booksellers' Association (*two*); Antiquities Dealers' Association (*two*); Association of Art and Antique Dealers (*two*); British Antique Dealers' Association (*three*); British Art Market Federation; British Numismatic Trade Association (*two*); Christie's; Fine Art Trade Guild; Society of London Art Dealers (*two*); Sotheby's.

Appendix C

List of independent assessors who attended meetings during the year ended 30 June 2003

Prof Brian Allen, Paul Mellon Centre for Studies in British Art	Cases 17 & 21
Professor Francis Ames-Lewis, Birkbeck College	Case 18
Mr Hugh Belsey, Gainsborough's House	Case 20
Mr Claude Blair, Independent	Case 4
Dr Christopher Brown, Ashmolean Museum	Case 11
Mr Lionel Burman, University of Liverpool	Cases 5-8
Dr Richard Cocke, University of East Anglia	Cases 16 & 18
Professor Malcolm Colledge, University of London	Case 13
Mr Robin Crighton, Fitzwilliam Museum	Case 2
Mr Allen Cunningham, The Journal of Architecture	Cases 14 & 15
Mr Robin Dale, Peter Dale Ltd.	Cases 1 & 4
Mr Ian Eaves, Independent	Case 1
Mr David Edge, The Wallace Collection	Cases 1 & 4
Mrs Judy Egerton, Paul Mellon Centre for Studies in British Art	Case 12, 17 & 20
Mr Oliver Fairclough, National Museum and Gallery of Wales	Cases 5-8 & 19
Ms Charlotte Gere, Author and Independent Specialist	Case 9
Ms Philippa Glanville, Waddesdon Manor	Case 19
Professor James Graham-Campbell, University College London	Case 3
Mr Francis Greenacre, formerly Bristol Museum and Art Gallery	Case 21
Mr Jonathan Harris, Harris Lindsay Works of Art	Case 2
Dr Jane Hawkes, York University	Case 3
Ms Jo Hedley, The Wallace Collection	Case 11
Dr Georgina Herrman, University College London	Case 22
Mr Christopher Lloyd, The Royal Collection	Case 16 & 18
Sir Oliver Millar, Art Historian	Case 11
Mr Richard Morris, Brunel University	Case 10
Mr James Peto, The Design Museum	Case 14 & 15
Dr Martin Postle, Tate Gallery	Case 12
Dr A John N W Prag, Manchester Museum, University of Manchester	Case 13
Mr Benedict Read, University of Leeds	Case 14 & 15
Ms Pam Roberts, former Curator, Royal Photographic Society	Case 10
Mr Timothy Schroder, Independent	Case 19
Mr David Scrase, Fitzwilliam Museum	Case 16
Ms Rosemary Seaton, School of Oriental and African Studies	Case 22
Mr Desmond Shawe-Taylor, Dulwich Picture Gallery	Case 12, 17 & 20
Mr Timothy Stevens, Director, Hermitage Development Trust, Somerset House	Case 2 & 9
Mr Hugh Tait, Independent, former Keeper, British Museum	Cases 5-8 & 9
Professor G B Waywell, University of London	Case 13
Mr Mike Webb, The Bodleian Library	Case 22
Dr Geoffrey West, Advisory Board for Redundant Churches	Case 3

Appendix D

Items licensed for export after reference to the expert advisers for advice as to national importance: 1 July 2002– 30 June 2003

Category	Advising authority	No. of items	Total value (£)
Archaeological material	British Museum, Keeper of Medieval and Later Antiquities	12,073	7,790,562
Arms and armour	Royal Armouries, HM Tower of London, Master of the Armouries	5	4,453,350
Books, maps, etc	British Library, Keeper of Printed Books, Keeper of Printed Maps	98	17,028,090
Books (natural history)	British Museum (Natural History), Head of Library Services	7	863,825
Clocks and watches	British Museum, Keeper of Clocks and Watches	71	8,984,844
Coins and medals	British Museum, Keeper of Coins and Medals	27	3,610,083
Drawings: architectural, engineering and scientific	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	20	292,171
Drawings, prints, water-colours	British Museum, Keeper of Prints and Drawings	32	726,650
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	421	208,071,370
Ethnography	British Museum, Keeper of Ethnography (Museum of Mankind)	12	4,592,845
Furniture and woodwork	Victoria & Albert Museum, Curator of the Furniture and Woodwork Collection	20	10,216,664
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	376	62,220,320
Indian furniture	Victoria & Albert Museum, Curator of the Indian and South-East Asian Department	26	3,987,390
Japanese antiquities	British Museum, Keeper of Japanese Antiquities	5	562,650
Manuscripts, documents and archives	British Library, Manuscripts Librarian	2	56,800
Maritime material, including paintings	National Maritime Museum	1,969	70,890,744
Medieval and later antiquities	British Museum, Keeper of Medieval and Later Antiquities	11	733,447
Oriental antiquities (except Japanese)	British Museum, Keeper of Oriental Antiquities	38	896,772
Oriental furniture	Victoria & Albert Museum, Keeper of Oriental Furniture	29	8,343,793
Paintings, British, modern	Tate Gallery, Keeper of the British Collection	16	2,290,272
Paintings, foreign	National Gallery, Director	254	306,202,546
Paintings, miniature	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	287	619,361,587
Paintings, portraits of British persons	National Portrait Gallery, Director	2	727,164
Photographs	National Museum of Photography, Film & Television, Head	81	26,246,177
Pottery	Victoria & Albert Museum, Curator of the Ceramics Collection	182	5,957,663
Prehistoric and Romano-British antiquities	British Museum, Keeper of Prehistoric and Romano-British Antiquities	3	1,252,500
Scientific and mechanical material	Science Museum, Director	3	189,758
Sculpture	Victoria & Albert Museum, Curator of Sculpture	105	29,887,074
Silver and weapons, Scottish	Royal Museum of Scotland	1	119,564
Silver, metalwork and jewellery	Victoria & Albert Museum, Curator of the Metalwork, Silver and Jewellery Collection	271	49,489,899
Tapestries, carpets (and textiles)	Victoria & Albert Museum, Curator of the Textile, Furnishings and Dress Collection	55	5,409,468
Toys	Bethnal Green Museum of Childhood	1	120,000
Transport	Science Museum, Curator of Road Transport	55	9,796,902
Wallpaper	Victoria & Albert Museum, Curator of the Prints, Drawings and Paintings Collection	0	0
Western Asiatic antiquities	British Museum, Keeper of Western Asiatic Antiquities	3	213,168
Zoology (stuffed specimens)	British Museum (Natural History), Keeper of Zoology	0	0
Totals		16,561	1,471,586,112

The figures include items licensed for temporary export

Appendix E

Table I. UK exports and imports of works of art, collectors' pieces and antiques, 1998–2003

	Paintings, drawings, etc	Other items	All items
	Value £(000)	Value £(000)	Value £(000)
Exports			
2002-03	1,264,593	959,667	2,224,260
2001-02	1,387,487	900,720	2,288,207
2000-01	1,315,290	992,101	2,307,391
1999–2000	946,405	843,328	1,789,733
1998–99	660,133	652,694	1,312,827
Imports			
2002-03	1,202,992	596,219	1,799,211
2001-02	1,400,942	607,692	2,008,634
2000-01	1,395,092	564,514	1,959,606
1999–2000	941,786	517,033	1,458,819
1998–99	840,851	566,177	1,407,028

Table II. Exports of works of art, collectors' pieces and antiques to destinations outside the EU, 2002–2003

	Paintings, drawings, etc	Other items	All items	% by country
	Value £(000)	Value £(000)	Value £(000)	
USA	894,137	673,738	1,567,875	73.0
Switzerland	251,649	97,521	349,170	16.2
Non-EU excluding USA and Switzerland	79,834	151,888	231,722	10.8
Total	1,225,620	923,147	2,148,767	100.00

Compiled by Statistical Analysis Directorate, DTI from HM Customs & Excise data

Appendix F

Further reading

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

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

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

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

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

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

Open General Export Licence (Antiques) dated 3 September 1993

84 Appendix G
Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art: 1995–2003

Year	Number of items exported	Value of items exported (£)	Number of items purchased	Value of items purchased (£)	Number of items supported by HLF/NHMF	Support by HLF/NHMF (£)	Number of items supported by NACF	Support by NACF (£)	Number of items supported by Resource/V&A Fund	Support by Resource/V&A Fund (£)
Jan–Jun 1995	7	3,226,920	6	6,102,875	2	186,360	4	129,000	1	22,000
1995–96	10	22,287,294	10	3,898,817	8	2,653,209	8	329,205	3	57,200
1996–97	13	22,731,737	10	1,120,722	7	461,100	7	144,079	1	4,981
1997–98	7	18,896,762	7	4,125,200	3	1,180,633 ¹	5	376,500	2	54,500
1998–99	8	21,009,066	8 ²	2,369,631	3	560,000	5	117,320	3	58,000
1999–2000	3	5,024,833	6	491,027	2	140,100	3	131,500	2	42,290
2000–01	7	12,367,972	23 ³	3,168,087	6	1,780,630 ⁴	7	690,701 ⁴	2	5,012
2001-02	6	13,436,169	20	2,706,601	18	1,627,956	19	569,395	3	78,000
2002-03	9	23,191,549	11	4,173,106	6	2,783,115	8	505,184	1	30,000

¹ A grant of £12,000 was also made for conservation work.

² Including a Roman gold finger-ring, valued at £2,352.50, which was donated by the owner to the British Museum.

³ Including a series of 13 related finds.

⁴ Offers of grants were made for a further two items by the NHMF and the NACF. In both cases, the licence applications were withdrawn.

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
Jan-June 1995	A George III giltwood table, by Sir William Chambers, 1774-75	Samuel Courtauld Trust	95,160	(NHMF) 21,698	25,000	22,000
Jan-June 1995	A painting, <i>La Lecture de Molière</i> , by Jean-François de Troy, c. 1730	Anonymous UK buyer	4,497,672	0	0	0
Jan-June 1995	An Egyptian lintel from a temple, c. 1875 BC	British Museum	109,042.50	0	24,000	0
Jan-June 1995	A painting, <i>A Repentant Sinner Turning Away from Temptation</i> , by Johann Liss	Pyms Gallery	1,007,512.50	0	0	0
Jan-June 1995	A painting, <i>Judith with the Head of Holofernes</i> , Lucas Cranach the Elder, 1530	Burrell Collection	314,662.50	(HLF) 164,662	50,000	0
Jan-June 1995	A court dress or mantua, c. 1755	Historic Royal Palaces Agency	78,826	0	30,000	0
1995-96	A Celtic strap-union from a chariot horse harness, first century AD	King's Lynn Museum	2,940.63	0	0	0
1995-96	Three letter-books and a diary of Sir William Boothby	British Library	32,500	0	0	0
1995-96	A collection of architectural drawings for Trentham Hall signed or annotated by Sir Charles Barry and others, 1834-1914	Stoke-on-Trent City Art Gallery and Museum	75,820	(NHMF) 11,465	18,955	27,600
1995-96	A lady's secretaire, by Thomas Chippendale	National Trust	512,887.50	(NHMF) 261,500	75,000	0
1995-96	A painting, <i>Erminia Finding the Wounded Tancred</i> , by Guercino	National Galleries of Scotland	2,043,096	(HLF) 1,532,322	100,000	0
1995-96	A pair of French Empire mahogany armchairs by the Parisian firm Jacob-Desmalter, c. 1803-13	Victoria & Albert Museum/National Museums and Galleries on Merseyside	250,350	(NHMF) 150,350	50,000	0

86 Appendix G
Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art: 1995–2003 ...continued

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
1995–96	A Louis XVI painted and gilt bed by Jean-Baptiste II Tiliard	Leeds Museums and Galleries	82,222.50	(NHMF) 37,222	15,000	20,000
1995–96	An 'ideal' female bust, by Antonio Canova, 1817	Ashmolean Museum	746,000	(HLF) 560,000	50,000	0
1995–96	An Anglo-Saxon glass claw beaker, c. late sixth/early seventh century	Maidstone Museum and Art Gallery	25,000	(NHMF) 4,350	4,250	9,600
1995–96	A marble bust of Henry Fuseli, by Edward Hodges Baily, 1824	National Portrait Gallery	128,000	(HLF) 96,000	16,000	0
1996–97	A daguerreotype portrait of Sir John F W Herschel, c. 1848	National Portrait Gallery	27,053.75	0	8,000	0
1996–97	Three photographic negatives and one positive by William Henry Fox Talbot, 1839	National Museum of Photography, Film and Television	28,000	(HLF) 21,000	10,000 ¹	0
1996–97	A bronze modified andiron surmounted by a figure of Jupiter, attributed to Roccatagliata, late sixteenth to early seventeenth century	National Galleries of Scotland	77,752.50	(HLF) 58,300	11,700	0
1996–97	A gold box with panels by G M Moser, c. 1760	National Museums of Scotland	314,171.15	(NHMF) 225,000	30,000	0
1996–97	A Neolithic stone ball from Scotland	Aberdeen Art Gallery	8,000	(HLF) 6,400	0	0
1996–97	A painting, <i>Cup of Water and a Rose on a Silver Plate</i> , by Francisco de Zurbarán	National Gallery	305,997.10	0	0	0
1996–97	An early seventeenth-century revolving gold signet ring	Castle Museum, Norwich	21,172.50	(HLF) 13,700	0	4,981

¹ These grants were made towards the purchase of a portfolio for £51,600 of eight items, which contained these four items

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
1996-97	A painting, <i>Eine Kleine Nachtmusik</i> , by Dorothea Tanning, 1943	Tate Gallery	156,250	0	59,379	0
1996-97	A large naval gold medal and two stars of the Order of the Bath presented to Sir William Carnegie, Earl of Northesk	Scottish United Services Museum	107,925	(HLF) 136,700 ²	25,000 ²	0
1996-97	A sword presented by the City of London to Sir William Carnegie, Earl of Northesk	Scottish United Services Museum	74,400			0
1997-98	A drawing, <i>Antonio Canova in His Studio</i> , by Hugh Douglas Hamilton	Victoria & Albert Museum	525,400	0	262,700	0
1997-98	A silver eggcup frame and eggcups, by Peter Archambo	National Trust	120,000	0	35,000	35,000
1997-98	A painting, <i>Girl with a Tambourine</i> , by Jusepe de Ribera, 1637	Anonymous UK buyer	1,845,637.50	0	0	0
1997-98	A chair designed by Charles Rennie Mackintosh for Hous'hill, 1904	Hunterian Museum and Art Gallery	140,000	(HLF) 70,000	35,000	0
1997-98	The <i>Warwick Shakespeare deed</i> , 1602	Shakespeare Birthplace Trust	135,862.50	(HLF) 101,900	0	19,500
1997-98	A medieval bronze purse, c. 1450	British Museum	15,300	0	4,300	0
1997-98	A painting, <i>Nearing Camp on the Upper Colorado River</i> , by Thomas Moran, 1882	Bolton Museum, Art Gallery and Aquarium	1,343,000	(HLF) 1,008,733 (plus 12,000 for conservation)	39,500	0
1998-99	A first-century AD bronze harness-mount	Corinium Museum	4,000	0	1,000	2,000
1998-99	Three paintings: <i>Mr William Brooke, Mr William Pigot, and Mrs William Pigot</i> , by Joseph Wright of Derby, c. 1760	Doncaster Museum and Art Gallery	215,000	(HLF) 161,000	13,000	26,000
1998-99	A gilt-bronze figure of Saint John the Evangelist, c. 1180	Ipswich Borough Council and St Edmundsbury Borough Council	95,000	(HLF) 70,000	15,000	0

² These figures also include a contribution towards the sword presented by the City of London.

88 Appendix G
Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art: 1995–2003 ...continued

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
1998–99	A lady's secretaire by Thomas Chippendale, 1773	Leeds Museums and Galleries for Temple Newsam House	650,000	(HLF) 329,000	70,000	0
1998–99	A Charles II two-handled silver porringer and cover, c. 1660, attributed to the workshop of Christian van Vianen	Fitzwilliam Museum	73,282.50	0	18,320	30,000
1998–99	A painting, <i>Le Ruisseau</i> , by Paul Gauguin, 1885	Anonymous UK buyer	1,200,000	0	0	0
1998–99	A painting, <i>Collage (Jan 27 1933)</i> , by Ben Nicholson	Tate Gallery	129,995.63	0	0	0
1999–2000	A manuscript, the <i>Swan Roll</i> , c. 1500	Norfolk Record Office	34,870	0	0	17,290
1999–2000	A Romano-British pottery vessel, AD 200–250	British Museum	3,850	0	0	0
1999–2000	An Anglo-Saxon silver gilt and niello mount from a sword scabbard	British Museum	9,000	0	4,500	0
1999–2000	An English hand-knotted carpet, c. 1600	Burrell Collection	297,969.56	(HLF) 102,500	75,000	0
1999–2000	A George III period metal mounted and stained beech model of a <i>Carronade</i> , a type of gun-howitzer, 1779	Falkirk Council Museum Services	43,000	(HLF) 37,600	0	0
1999–2000	A pastel portrait, <i>One of the Porters of the Royal Academy</i> , by John Russell RA (1745–1806)	Samuel Courtauld Trust	102,337.50	0	52,000	25,000
2000–01	Archival papers of Sir James Mackintosh (1765–1832)	British Library	115,000	0	0	0
2000–01	A parcel-gilt reliquary figure of Saint Sebastian, dated 1497	Victoria & Albert Museum	1,455,536.27	(NHMF) 1,111,530	282,947	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
2000-01	A Roman agate intaglio engraved with the bust of Octavian as Mercurius, known as the <i>Ionides Octavian Gem</i> , 35–25 BC	British Museum	240,914.09	0	96,000	0
2000-01	A German armorial travelling desk, dated 1683	Victoria & Albert Museum	120,719.17	(NHMF) 58,400	34,247	0
2000-01	A George II mahogany hall chair made for Richard Boyle, third Earl of Burlington, c. 1730	English Heritage	169,093.75	(NHMF) 85,000	45,000	0
2000-01	A series of letters by George Eliot (1819–80)	British Library	17,918.75	0	0	0
2000-01	The personal archive of Charles Francis Annesley Voysey (1857–1941)	Royal Institute of British Architects	25,000	(HLF) 18,700	0	3,550
2000-01	Middle Bronze Age palstave axe heads from the Marnhull hoard, Dorset, 1400–1250 BC	Dorset County Museum	3,215	0	0	1,462
2000-01	An Egyptian limestone relief, c. 1295–1069 BC	British Museum	82,507	0	82,507	0
2000-01	A Roman marble statue of a Molossian hound, called <i>The Dog of Alcibiades</i> , 2nd century AD	British Museum	679,683.14	(HLF) 362,000	100,000	0
2000-01	Three English fifteenth-century wooden figures	Victoria & Albert Museum	258,500	(HLF) 145,000	50,000	0
2001-02	A watercolour, <i>Near Beddgelert (A Grand View of Snowdon)</i> , by Thomas Girtin, c. 1799	National Museums and Galleries of Wales	300,000	0	70,000	0
2001-02	A bronze and ormolu hanging light by James Deville (1776- 1846), from Gawthorpe Hall	National Trust	110,568.75	0	47,784	15,000
2001-02	A pair of George III carved stone sphinxes	Birmingham Museums and Art Gallery	285,485.25	(HLF) 117,500	79,936	43,000

98 Appendix G

Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art: 1995–2003 ...continued

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
2001-02	A drawing, <i>Study for the Institution of the Eucharist</i> , by Federico Barocci (1528/35–1612)	Fitzwilliam Museum	945,000	(HLF) 700,000	225,000	0
2001-02	Albumen Prints and Glass Negatives by Charles Lutwidge Dodgson (1832-98) ('Lewis Carroll')	National Museum of Photography, Film and Television/ National Portrait Gallery	582,919.38	(NHMF) 471,500	100,000	0
2001-02	Two Late Bronze Age gold hair rings, c.1100-750 BC	Ashmolean Museum	4,700	0	0	0
2001-02	Pair of George II walnut upholstered side chairs by William Hallett	Leeds Museums and Galleries for Temple Newsam House	70,050	(HLF) 20,000	10,000	20,000
2001-02	The Kelso Archive, c.1750-1850	Scottish Borders Council	59,010	(HLF) 36,600	0	0
2001-02	The Archive of Walter Crane (1845-1915)	Whitworth Art Gallery and John Rylands Library of the University of Manchester	376,475	(HLF) 282,356	36,675	0
2001-02	A fifteenth-century Middle English physician's handbook	Wellcome Trust	210,000	0	0	0
2002-03	A pair of George IV ormolu and mother of pearl black and gilt japanned papier-mâché vases by Jennens and Bettridge, the mounts attributed to Edward Holmes Baldock	Temple Newsam House, Leeds	185,000	(HLF) 95,000	35,000	30,000

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
2002-03	Meissen porcelain figure of a crouching king vulture	Victoria and Albert Museum	510,688	(HLF) 383,000	75,000	0
2002-03	A miniature photo album by Mary Dillwyn	National Library of Wales	49,165	0	9,165	0
2002-03	A portrait, <i>The Lieutenant General, the Hon. Robert Monckton</i> , by Benjamin West	National Army Museum	539,130.95	(HLF) 349,436	0	0
2002-03	A Roman well-head, the Guilford puteal, c. 100 BC	British Museum	294,009.30	0	108,000	0
2002-03	An armchair and dressing table by Marcel Breuer	Victoria and Albert Museum	Chair 41,790 Table 44,248	0	43,019 for both	0
2002-03	A portrait, <i>Richard Arkwright junior with his wife Mary and daughter Anne</i> , by Joseph Wright of Derby	Derby Museum and Art Gallery	1,217,500	(HLF) 999,500	55,000	0
2002-03	Letters and Diaries of Claudius James Rich (1787–1821)	British Library	61,575	0	0	0
2002-03	A miniature of the <i>Nativity</i> , attributed to Jean Bourdichon	Victoria and Albert Museum	250,000	(NHMF) 187,500	30,000	0
2002-03	A bronze incense burner attributed to Desiderio da Firenze c. 1540	Ashmolean Museum	980,000	(NHMF) 768,679	150,000	0

Appendix H

EXPORT LICENCE

Open General Export Licence (Antiques) dated 1st November 2002 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 3(a) of the Export of Goods (Control) Order 1992¹ ("the 1992 Order"), hereby grants the following Open General Export Licence:

Licensed exports

1. Subject to the following provisions of this Licence, the following goods, manufactured or produced more than 50 years before the date of exportation, may be exported from the United Kingdom to any destination except an embargoed destination:
 - (a) any musical instrument temporarily exported for a period of less than three months for use in the course of work by a professional musician;
 - (b) any musical instrument exported following temporary importation for a period of less than three months, having been imported for use in the course of work by a professional musician;
 - (c) any motor vehicle (wherever registered) not specified in Part III of Schedule 1 to the Export of Goods (Control) Order 1994² ("the 1994 Order") temporarily exported for a period of less than three months for use for social, domestic or pleasure purposes (including attendance at or participation in a race, rally, or non-commercial exhibition);
 - (d) any foreign registered motor vehicle not specified in Part III of Schedule 1 to the 1994 Order exported following temporary importation for a period of less than three months, having been imported for use for social, domestic or pleasure purposes (including attendance at or participation in a race, rally or non-commercial exhibition);
 - (e) any photographic positive or negative or any assemblage of such photographs, the value of which is less than £10,000;
 - (f) any firearms, arms or armour (excluding any article specified in Part III of Schedule 1 to the 1994 Order manufactured or produced more than 50 years but not more than 100 years before the date of exportation) the value of which in the case of firearms manufactured or produced 100 years or more before the date of exportation and in the case of all other arms and armour is less than £35,000 or in the case of firearms manufactured or produced less than 100 years before the date of exportation is less than £65,000;
 - (g) any painting in an oil or tempera medium, the value of which is less than £180,000;
 - (h) any portrait in any medium of a British historical personage, the value of which is less than £180,000;
 - (i) any article the value of which is less than £65,000, other than one of a description specified in the Schedule hereto;

¹ S.I. 1992/3092, as amended

² S.I. 1994/1191, as amended

(j) any article for which an EC licence has been issued (provided that the export is already permitted for the purposes of the 1992 Order by virtue of (a) – (i) of this paragraph) other than an article specified in Part III of Schedule 1 to the 1994 Order (unless the export is already permitted for the purposes of the 1994 Order by virtue of any Open Individual Export Licence or of an individual export licence granted under the 1994 Order).

Conditions

2. In respect of any musical instrument licensed to be exported under paragraph 1(a) above and any motor vehicle licensed to be exported under paragraph 1(c) above, this Licence is subject to the following conditions:
 - (a) that the exporter must return the goods to the United Kingdom within three months of the date of exportation;
 - (b) that the goods must not be sold and must at all times remain in the possession of the exporter.
3. In respect of any article consisting of or including a representation of the likeness of any British historical personage (made otherwise than by photography and excluding a coin) the value of which is £10,000 or more but less than £180,000, this Licence is subject to the following condition, namely that there is produced to the proper officer of Customs and Excise at the place of exportation a certificate given by or on behalf of the person who for the time being holds the appointment either of Director of the National Portrait Gallery or of Keeper of the Scottish National Portrait Gallery stating that in his opinion the article is not a work of national importance (and that certificate has not been revoked).
4. In respect of any article of clothing or footwear, any article manufactured from textiles and textiles in the length or piece, the value of which is £12,000 or more but less than £65,000, this Licence is subject to the following condition, namely that there is produced to the proper officer of Customs and Excise at the place of exportation a certificate given by or on behalf of the person who for the time being holds the appointment of Director of the Victoria and Albert Museum stating that in his opinion the article is not of national importance (and that certificate has not been revoked). This condition does not apply to any carpet or tapestry.
5. In respect of any temporary EC licence issued by the Secretary of State pursuant to paragraph 1(j), this Licence is subject to the following condition;
 - (a) that the exporter must return the article to the United Kingdom by the date stated for reimportation on the temporary EC licence.
6. The requirements of Article 8 of the 1992 Order shall not apply to any export under this Licence.

Interpretation

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

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

“EC Licence” means a licence issued pursuant to Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods (OJ No. L395,31.12.92,p.1.);

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

“embargoed destination” means a destination to which an export ban applies by virtue of a prohibition contained in legislation implementing European Union or United Nations sanctions.
9. Unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Import, Export and Customs Powers (Defence) Act 1939³ or in the 1992 Order.

Prohibition not affected by this Licence

10. Nothing in this Licence shall affect any prohibition or restriction on the exportation of any goods other than under the 1992 Order.

EC licence

11. This Licence is not effective in any case where an EC licence is required (for specified cultural goods being exported outside the European Community) where such a licence has not been issued.

Entry into force, revocation and saving for individual licence applications made prior to 1st November 2002

12. Except as provided in paragraph 13, this Licence shall come into force on 1st November 2002. The Open General Export Licence (Antiques) dated 3rd September 1993 is hereby revoked.
13. This Licence shall not authorise the export of any article which was the subject of an application for an individual export licence where that application was submitted to the Secretary of State prior to 1st November 2002.

Head of Export Licensing Unit Department for Culture, Media and Sport

³ 1939 c.69.

SCHEDULE

Any archive, document or manuscript (in any case not being printed matter); or architectural, scientific or engineering drawing produced by hand;

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

Any article specified in Part III of Schedule 1 to the 1994 Order;

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

Any firearms, arms or armour.

EXPLANATORY NOTE

(This note is not part of the Licence)

The provisions of this Licence only apply for the purposes of the Export of Goods (Control) Order 1992 (the 1992 Order). This Licence permits (in some cases subject to certain conditions) the export from the United Kingdom to any destination (except an embargoed destination) of certain goods which were manufactured or produced more than 50 years before exportation. However, exporters should note that this Licence does not remove the need for other consents that may be required for the export of particular cultural goods. In particular, where an export licence is also required by EC Regulation 3911/92 (which requires a licence for specified cultural goods exported outside the European Customs Union) an EC licence will be required as well as this Licence for the purposes of the 1992 Order. In such cases this Licence will not be valid unless an EC licence is also held.

This Licence is not valid to export goods for which an individual licence application was submitted prior to 1st November 2002.

This Licence does not extend to prohibitions in legislation banning the export of goods to specific destinations. A list of those destinations and the type of goods prohibited from export under that legislation can be obtained by contacting the Export Licensing Unit, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6164/6166/6168, fax 020 7211 6170, e-mail exportlicensing@culture.gsi.gov.uk.

The categories of articles whose export is permitted by this Licence, for the purposes of the 1992 Order, are broadly:

- (a) musical instruments exported for less than 3 months by a professional musician for use in the course of work;
- (b) musical instruments exported following importation for less than 3 months by a professional musician for use in the course of work;
- (c) motor vehicles (other than those designed or adapted for military or paramilitary use) exported for less than 3 months for use for pleasure purposes;
- (d) foreign registered motor vehicles (other than those designed or adapted for military or paramilitary use) exported following importation for less than 3 months for pleasure purposes;
- (e) photographs and albums of photographs, having a value of less than £10,000;
- (f) firearms, arms and armour (other than articles manufactured not more than 100 years before exportation which are specified in Part III of Schedule 1 of the Export of Goods (Control) Order (the 1994 Order)) and having a value of less than £35,000 in the case of firearms 100 years or more old and all other arms and armour or £65,000 in the case of firearms between 50 and 100 years old;
- (g) paintings in oil or tempera medium having a value of less than £180,000;
- (h) portraits of British historical personages having a value of less than £180,000;

- (i) articles having a value of less than £65,000, except:
 - (i) archives, documents and manuscripts (not being printed matter); architectural, scientific or engineering drawings produced by hand;
 - (ii) articles recovered from the soil of the UK, the bed of any stream or area of water in the UK or UK territorial waters, other than any article concealed for less than 50 years;
 - (iii) any article falling within Part III of Schedule 1 to the 1994 Order;
 - (iv) any photographic positive or negative or any assemblage of such photographs;
 - (v) any firearm, arms or armour.
- (j) articles for which an EC licence has been issued (provided that the export is already permitted for the purposes of the 1992 Order by some other provision of this Licence) other than those falling within Part III of Schedule 1 to the 1994 Order (unless the export is already permitted by an Open Individual Export Licence or an individual export licence: in these cases a Licence for the purposes of the 1994 Order will already exist and will be subject to any conditions applicable to such a Licence).

The conditions referred to above are:

- (i) that, in the case of any musical instrument referred to in paragraph (a) above, and any motor vehicle referred to in paragraph (c) above
 - (a) the exporter must return the goods to the UK within 3 months of the date of the exportation;
and
 - (b) the goods must not be sold and must at all times remain in the possession of the exporter;
- (ii) that, in the case of portraits or likenesses of any British historical personage having a value of £10,000 or more, but less than £180,000, there is produced to the Customs and Excise officer, on exportation, a certificate described in paragraph 3 of the Licence;
- (iii) that, in the case of any article of clothing or footwear, any article manufactured from textiles and textiles in the length or piece (except for carpets and tapestries), having a value of £12,000 or more but less than £65,000, on exportation, a certificate described in paragraph 4 of the Licence;
- iv) that, in the case of any article falling under paragraph (j) above where the EC licence has been granted by the Secretary of State for temporary export:
 - (a) the exporter returns the article to the United Kingdom by the date stated for its return on the EC licence.

Where the goods to be exported consist of a matching set or pair the valuation for the purposes of the Licence is the value of the matching set or pair.

