

The applicant's representative argued that the treatise was connected with British history, but not by any evidence closely enough for its departure to be considered a misfortune. Whilst its contents must have pleased Henry VIII, it had played no role in the final decisions that led to the divorce from Catherine and the break with Rome. Such historical importance could be found in the determinations formulated by the King himself, the Bishops of Hereford and London, Cranmer and Gardiner, and by the various foreign universities, but not within this treatise.

Legally, philologically or historically, there was nothing in Calco's work that was not argued earlier at the Legatine Trial of 1529 (most of the submitted manuscripts, and many that were composed but not submitted, survived) or more completely in the *Censurae* and its extant drafts. There was no definitive proof that this codex was shelved in the Royal libraries at Hampton Court, Greenwich or at Westminster Palace, as it lacked an inventory number such as could be found in *Henricus Octavus* (Trinity College, Cambridge), the vellum manuscript of the pre-eminent text that was presented in the King's name at the Legatine Trial.

The binding belonged to an important group that showed the earliest gold tooling in England, which had been studied by three binding scholars in 1924, 1964 and 1992. The most recent writer had characterised most of the tools as uninspired and probably copied from French bindings of the 1520s, 'which in turn were copied from Italian models'. However that might be, the high value of the codex lay mostly in the gold-tooled binding, which was in its original condition and unique in private hands. The richness of English libraries in 'King Henry Binder' bindings with identical and other tools, some covering more important manuscripts on the same controversy, more than justified allowing a single foreign collection to have an example from this earliest period of English gold tooling.

The applicant's representative concluded that, whilst important, the codex and its binding were not of outstanding significance for the study of art, learning or history. Study of the text as an isolated effort would not change the understanding of how the legal dispute evolved into irreversible schism. The binding showed no tooling or other aspects of finishing and forwarding that could not be studied as well or better from the 24 comparable examples in English libraries.

We concluded that the manuscript met all three of the Waverley criteria. Regarding the value, the expert adviser observed that the manuscript had been sold by Christie's on 8 November 1978, lot 107, for £60,000. The present valuation of £900,000 did not, therefore, appear to represent a tested price and in her opinion, even allowing for the importance of the manuscript, was considerably more than could be expected in a sale today. The applicant's representative said that market values in bound manuscripts had increased 20 times and, in some cases 250 times, since the previous sale of this manuscript.

We decided that the applicant and expert adviser should agree to appoint an independent valuer to advise on a fair market value. Both parties agreed on an appointee, who provided a valuation of £650,000, based on the date of the licence application. We considered this valuation with the independent assessors for the case and agreed that it was a fair recommended price. The applicant confirmed that the owner would be prepared to accept a matching offer at £650,000.

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 £650,000. 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 should be extended by a further three months.

After 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.

Cases 11–24

Albumen prints and glass negatives by Charles Lutwidge Dodgson (1832–98) ('Lewis Carroll')

The prints and negatives were 14 lots in the Sotheby's sale of the collection of Alice Pleasance Liddell (1852–1934) on 6 June 2001. Sotheby's applied to export the prints and negatives to various purchasers in the USA, whose names were supplied to the Committee but are withheld from the report by request. The values shown on the export licence applications represented the respective hammer prices of the lots at auction, plus buyer's premium.

The Head of the National Museum of Photography, Film and Television, acting as the Department's expert adviser, objected to the export of each of the prints and negatives under all three of the Waverley criteria. She said that they were not only excellent examples of the art of photography but also helped to define the relationships between the visual and literary world of a great artist and the context in which he worked. The portraits were also an important source for the real identities of those who inspired, or were characterised in, the 'Alice in Wonderland' stories.

Charles Lutwidge Dodgson was born in Cheshire in 1832. After attending Richmond and Rugby schools, he began work at Christ Church, Oxford, where he attained a college Mastership in October 1855. During this time he compiled a scrapbook of his best writings, called *Mischmasch*. This included a *Stanza of Anglo-Saxon Poetry* that was to become the first verse of his later nonsense poem, *Jabberwocky*. Of all of Dodgson's literary work, the two books describing the experiences of 'Alice', published in 1865 and 1872, were his most distinguished and well known.

Both *Alice's Adventures in Wonderland* and *Through the Looking-Glass – What Alice found There* became classics of children's stories. Dodgson's prominence in the world of literature often eclipsed his prodigious talent as a leading photographer of portrait and genre scenes. After discussions with his uncle in 1855, Dodgson had decided to embark on another occupation that was separate from his lecturing post at Christ Church. He took up photography in earnest during the following year, at a time when commercial portraiture was growing in popularity. The social network offered through Christ Church provided excellent opportunities for this aspiring young man and his photographic art. His photographs therefore spoke of the social rituals of the Victorian period when photography was increasingly used as a means of reinforcing identity and social status.

Between 1856 and 1880, Dodgson took many portraits of his 'child friends' and major figures such as Frederick, Crown Prince of Denmark, Arthur Hughes, Alphonse Legros, Queen Victoria's youngest son, Prince Leopold, George MacDonald, John Everett Millais, Alexander Munro, Dante Gabriel Rossetti, and Alfred, Lord Tennyson. In this respect Dodgson's work and influence belonged to a larger cultural landscape where the worlds of literature, society portraiture and painting overlapped in important ways.

The portraits he took of the young Alice Liddell were the most widely seen and reproduced. She was known primarily as the muse for the much loved books by Carroll, and Dodgson's photographs of Alice and her immediate family represented a remarkable record of the playful and complex relationships between the author and his 'child friends'. Such portraits offered an invaluable record of Dodgson's fascination with childhood that inspired the stories of 'Alice', as well as a unique insight into the psyches of both the artist and his muse.

As a photographer, Dodgson without question took some of the most compelling and aesthetically refined portraits of the nineteenth century. He was widely acknowledged during his lifetime as an outstanding pioneer in British photography, and his ability was recognised early in his career when his work was shown in February 1858, at the 5th exhibition of the Photographic Society of London. His photographs, like much of their work, were part of a cultural stance for the new 'art' of photography. As awareness of the history of photography and its key figures continued to grow, it became increasingly important to preserve and display examples of Dodgson's outstanding work.

Much of Dodgson's important photographic work had already left the UK and the items under consideration were the last of the significant material in private hands. There were no portraits of Alice in UK national collections other than the one that was tipped into the original manuscript for *Alice's Adventures in Wonderland*, held by the British Library. In total, there were only 30 known, separate images of the Liddell family. The majority of these portraits resided in the Parrish Collection at

Princeton University and the Harry Ransom Centre, University of Texas. However, there was a popular misconception that there were many portraits of Alice and the Liddell family, due to the constant use of these portraits in the plethora of books on 'Lewis Carroll'.

The provenance of these items justified their status as a vital part of the national heritage and it was important to recognise the rare value of the portraits as the personal property of the young girl who inspired the extraordinary adventures of 'Alice in Wonderland'. In many cases they had been given to her by Dodgson as a gift, acknowledging their friendship and his gratitude for her inspirational character. The books written by Dodgson under the pseudonym of 'Lewis Carroll' are amongst the most cherished stories in the world. He is a quintessential piece of British cultural history and his importance as an author and photographic artist is widely recognised. More importantly, taking into consideration existing national holdings of Dodgson photographs, the permanent removal of these items would heighten the absence of primary material to celebrate such a revered individual, who figured so strongly in our national heritage.

We heard this case in November 2001, when the prints and negatives were shown to us.

The applicant's representative said that, although Charles Dodgson's literary works were clearly of importance and his relationship to Alice Liddell and her family of interest in that connection, it was difficult to see how the photographs and negatives could be said to be of the greatest historical significance, either in a national or wider context, and that it was reasonable to say that Alice Liddell at best rated as a footnote in the history of the nineteenth century. The photographs and negatives were good examples of the work of an early portrait photographer, but the prints and negatives could not be said to be of outstanding aesthetic importance. The applicant added that there was a considerable volume of early photographs available for study in public collections, for example in the National Museum of Photography, Film and Television, which had important holdings by Dodgson, the National Portrait Gallery and the Victoria & Albert Museum. It was not clear, therefore, what additional value for the study of early photography the portraits under consideration would add.

Case 11

Albumen print and glass negative inscribed on the reverse, *Edith, Ina and Alice on a sofa*

We concluded that the print and negative satisfied all of the Waverley criteria. Furthermore, we agreed that they merited a starred recommendation, meaning that we considered them to be of particular importance and that every effort should be made to raise funds to retain them in the UK. We therefore recommended that 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 £87,925. We further recommended that, if by 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.

Case 12

Glass negative, *Alice feigning sleep, a hat by her side*

We concluded that the negative satisfied all of the Waverley criteria. Furthermore, we agreed that the negative merited a starred recommendation, 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 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 £11,115. We further recommended that, if by 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.

Case 13

Albumen print, *Alice, Lorina, Harry and Edith Liddell*

We concluded that the print satisfied all of the Waverley criteria. Furthermore, we agreed that the print merited a starred recommendation, 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 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 £45,285. We further recommended that, if by 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.

Case 14

Glass negative, *Alice in profile*

We concluded that the negative satisfied all of the Waverley criteria. Furthermore, we agreed that the negative merited a starred recommendation, 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 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 £49,990. We further recommended that, if by 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.

Case 15

Albumen print, Alice Liddell as *'The Beggar Maid'*

We concluded that the print satisfied all of the Waverley criteria. Furthermore, we agreed that the print merited a starred recommendation, 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 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 £182,912.50. We further recommended that, if by 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.

Case 16

Glass negative, Alice wearing a garland

We concluded that the negative satisfied all of the Waverley criteria. Furthermore, we agreed that the negative merited a starred recommendation, 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 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 £54,695. We further recommended that, if by 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.

Case 17

Albumen print, Alice Liddell seated beside a potted fern

We concluded that the print satisfied the first and third of the Waverley criteria. Furthermore, we agreed that the print merited a starred recommendation, 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 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 £26,465. We further recommended that, if by 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.

Case 18

Albumen print, *Edith Liddell lying on a sofa*

We concluded that the print satisfied all of the Waverley criteria. Furthermore, we agreed that the print merited a starred recommendation, 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 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 £40,580. We further recommended that, if by 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.

Case 19

Albumen print, *Alice Liddell, aged eighteen*

We concluded that the print satisfied the first and third of the Waverley criteria. Furthermore, we agreed that the print merited a starred recommendation, 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 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 £9,262.50. We further recommended that, if by 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.

Case 20

Albumen print, *Lorina Liddell, aged twenty*

We concluded that the print satisfied the first and third of the Waverley criteria. Furthermore, we agreed that the print merited a starred recommendation, 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 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 £17,055. We further recommended that, if by 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.

Case 21

Albumen prints, *Photographic triptych of the three sisters*

We concluded that the prints satisfied the first and third of the Waverley criteria. Furthermore, we agreed that the prints merited a starred recommendation, meaning that we considered them to be of particular importance and that every effort should be made to raise funds to retain them in the UK. We therefore recommended that 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 £21,760. We further recommended that, if by 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.

Case 22

Albumen print, *Ina Liddell holding a doll, seated*

We concluded that the print satisfied all of the Waverley criteria. Furthermore, we agreed that the print merited a starred recommendation, 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 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 £21,760. We further recommended that, if by 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.

Case 23

Glass negative, *Open your mouth and shut your eyes*

We concluded that the negative satisfied all of the Waverley criteria. Furthermore, we agreed that the negative merited a starred recommendation, 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 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 £14,114.38. We further recommended that, if by 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.

Case 24

Glass negative, *Ina and Alice in Oriental dress*

This item, valued at £12,350, had been inadvertently exported without a licence by the shipping company acting on behalf of the applicant and was not available for viewing at the meeting. The applicant's representative assured us that the item would be returned as soon as possible and we agreed with all those present to consider the object in its absence, using a reproduction. We concluded that the negative satisfied all of the Waverley criteria and that it also merited a starred recommendation. We decided to delay making a recommendation to the Minister until we were satisfied that the negative had been returned to the UK. At the time of writing, its return was being pursued by the Department.

We were informed by the National Museum of Photography, Film and Television and the National Portrait Gallery of a serious intention to raise funds with a view to making an offer to purchase each of the 13 prints and negatives. Decisions on the export licences were deferred for a further four months. We subsequently learned that 11 of the prints and negatives had been acquired by the National Museum of Photography, Film and Television and the National Portrait Gallery, with assistance from the National Heritage Memorial Fund and the National Art Collections Fund. The owner of the print *Alice Liddell as 'The Beggar Maid'* (Case 15) and the negative *Alice wearing a garland* (Case 16) refused the offer to purchase from the National Museum of Photography, Film and Television and the National Portrait Gallery at the recommended prices of £182,912.50 and £54,695 respectively. An export licence was therefore refused.

Case 25

Two Late Bronze Age gold hair rings, c. 1100–750 BC

One of the rings is 39 mm in external diameter, 19.5 mm internally and 13 mm broad; the other is, respectively, 36 mm, 18.5 mm and 11.5 mm. They weigh 5g each. The two rings are very similar in morphology, size and technology, but differ in decorative treatment. They belong to an established type constructed from three thin sheets, or plates, of gold, linked to form a hollow triangular section around a keyhole aperture. The inner plate, curved to form the central cylinder of the aperture, is angled back and tapered at each end to close off the triangular terminals of the ring. A tight, neat fold along each of the long sides of the inner plate bind it to the two face-plates, which are in turn sealed along the

circumference by a fine, fused beading, approximately 0.8 mm thick. Rupert Wace Ancient Art, London, applied for a licence to export the rings to the Cultural Art Fair in Basel, Switzerland. The estimated value shown on the export licence application was £4,500.

The Keeper of the Department of Prehistory and Early Europe at the British Museum, acting as the Department's expert adviser, objected to the export of the hair rings under the third Waverley criterion, because of their undeniable importance in enlarging understanding of the technical artistry of the insular Late Bronze Age gold-workers.

One ring was essentially plain, with the only decoration comprising four rows of circumferentially aligned punched dots on its inner plate, extending on to the terminals. The fragmentary inner plate of the second ring replicated this decorative element. However, one of its faces was wholly covered with a geometric design in the manner of basketry. This had been executed so subtly and with very fine tools that the overall effect was to interfere with the play of light across this surface, rather than to present a design as such.

The expert adviser explained that the hair rings were brought to the British Museum in April 1989 by the then owner and were retained there for examination. At that stage, the rings were partially flattened, leading to extensive damage of the inner plates and the expansion of the aperture. They did not exhibit any soil traces and the owner stated that he did not know of their find-spot. He had bought them at a Sotheby's 'fast sale' in 1983–84 in a mixed lot. The catalogue description had not mentioned the rings specifically and it was thus impossible to establish the actual lot and sale concerned. The British Museum was concerned that the rings were neither known as old finds from the archaeological literature nor had come through the Treasure Trove process more recently. Further enquiries were made but, because the circumstances of the find were not known, a Treasure Trove case could not be pursued. The rings were therefore returned to the owner after recording. The rings, restored and displayed in a velvet-lined box, had re-appeared in a Bonhams' sale catalogue for 26 November 1997, lot 265, with an estimate of £2,000–£2,500. They had remained unsold and were returned to the then owner. They had subsequently passed to the current owner, Mr Wace.

In assessing the importance of the rings, the expert adviser said that, although their find-spot was not known, this type of ring, when made of gold, was confined to Britain and Ireland. The Irish finds mainly belonged to a distinctive sub-style. In her opinion, the typological evidence suggested that these rings fitted within the British tradition and their retention in the UK would enable further analysis and comparison, with the possibility of relating them to other examples, either known or to emerge.

G Eogan (*The Accomplished Art: Gold and Gold-working in Britain and Ireland during the Bronze Age*, Oxford, 1994) had documented 32 examples of hair rings from Britain and a further 18 from Ireland. They therefore constituted a relatively rare artefact type. Much more exceptional was the 'basketry' decoration on one of the two rings. Only one previous find, from Startforth, County Durham, seemed to match this *schema*, but differed in having a fringe of alternately filled triangles outside the 'basketry' panel.

We heard this case in November 2001, when the rings were shown to us.

The applicant had chosen not to be represented at the Committee's hearing but had written to say that he did not oppose the objection made to the granting of an export licence. He was prepared to make the rings available for exhibition by a public institution for fundraising purposes, and to accept a matching offer at £4,500, which he regarded as an achievable price on the open market. The expert adviser considered that the value of £4,500 was high, given that the rings had not sold at an estimate of £2,000–£2,500 at Bonhams in 1997.

We concluded that the hair rings met the third Waverley criterion. Before making a recommendation, we asked the Secretary to pursue further the issue of provenance information and to obtain substantiation from Mr Wace for the valuation. The Secretary pursued enquiries with Sotheby's, Bonhams and Mr Wace but no further information about the provenance of the rings came to light. On valuation, Mr Wace's view was that, as British items, the rings were more rare and valuable, and because of this and their fine decoration, he did not regard £4,500 as a high price. He would, however, accept a fair market price of £4,000.

We considered the new evidence in January 2002.

We agreed that we would recommend that the decision on the export licence be deferred for a period of one month to enable an offer to purchase to be made at the agreed fair market price of £4,000 (plus VAT). 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 month.

We were informed by the Ashmolean Museum, Oxford of a serious intention to raise funds with a view to making an offer to purchase the hair rings. A decision on the export licence was deferred for a further month. We subsequently learned that the rings had been acquired by the Ashmolean Museum.

Case 26

A Portrait of Sir Joseph Banks with Omai and Doctor Solander by William Parry (1742–91)

The portrait is in oil on canvas and measures 150 x 150 cms. It shows Joseph Banks and Dr Daniel Carl Solander, who travelled together as naturalists on Captain Cook's first voyage to the Pacific in 1768, with Omai, the Tahitian who was their charge after his arrival in England in 1774. Nevill Keating Pictures Ltd applied for a licence to export the portrait to a purchaser whose name was supplied to the Committee but is withheld from the report by request. The value shown on the export licence application was £1,800,000, which represented the agreed sale price.

The Curator of the Eighteenth-Century Collections at the National Portrait Gallery, acting as the Department's expert adviser, objected to the export of the portrait under the first and third of the Waverley criteria. This was because of its importance to the understanding of Britain's colonial and maritime heritage and its significance for the history of science, the study of the national collections and the history of art. The importance of William Parry's painting lay in the social group depicted. This was the only painting to portray Omai among the English company in which he rose to fame. By employing a conversation piece format, Parry's portrait also celebrated Banks's and Solander's life-long collaboration, their mutual interest and affection, and their contribution to the history of science.

William Parry (1742–91), a student of Reynolds, was a painter of histories, portraits and a copyist of Old Masters. He exhibited sporadically at the Royal Academy but spent most of his career in Rome. In 1775, he had just returned from Italy and it was likely that he was associating with Reynolds and his circle. Although nothing was known of the circumstances under which this portrait was painted, the introduction was probably due to Reynolds, who was working on his portrait of Omai in 1775. Omai agreed to come to England in 1773 after making friends with some of Captain Tobias Furneaux's crew on the *Adventure*. It is thought that Furneaux brought Omai back at the behest of Joseph Banks, who had asked for botanic and ethnographic specimens to be collected. On the ship's arrival at Portsmouth, Joseph Banks and Daniel Carl Solander were called on to chaperone, interpret and, in the case of Banks, to underwrite Omai. Having studied Tahitian languages/dialects on their earlier voyage to the South Pacific, they were able to communicate with Omai, interpret his behaviour for British consumption and help ease the transition to European culture.

The visit of Omai took fashionable society by storm and had a lasting impact on the popular imagination of eighteenth-century Britain. Due to the power of the press, the publication of engravings, and the fashionable company in which he circulated, Omai became a celebrity and over the following decades, his reputation as a romantic figure was perpetuated in drama, poetry and the memoirs of Samuel Johnson, Horace Walpole, Fanny Burney and others. Whereas Banks was Omai's public spokesman and patron, in practice it was Dr Daniel Carl Solander who was his constant companion until November

1774. Thus Solander was able to observe Omai's behaviour and record his responses to British culture. He also nursed Omai to recovery after his inoculation from smallpox by Baron Dimsdale. Together with Banks, the three then travelled around England, dined at the Royal Society and stayed at the Earl of Sandwich's Hinchinbrooke estates.

Omai's visit was always viewed as temporary, and he boarded Captain Cook's ship to return to his homeland in 1775. After his return to Huahine, the sailors built Omai a house and set him up with livestock and arms. Unfortunately, his experiences of being a centre of attention made Omai arrogant and he developed bad relationships with local chiefs. Rather than spreading British influence, Omai only developed enemies and, within 18 months of his return, he died of a fever and all his possessions were stolen by marauders.

Daniel Carl Solander (1736–82) was a Swedish born naturalist and favourite student of Linnaeus, who came to England in 1760 in response to English requests that Linnaeus should send someone who could give instruction in his methods. From the outset, Solander was a vital ambassador for Linnaean classification, which was fundamental to the developing science of natural history. In 1763 he was appointed to the newly founded British Museum and, until his death in 1782, devoted huge energy to that institution. As a Fellow of the Royal Society, a Keeper at the British Museum and Banks' closest confidant, he was at the heart of Britain's scientific endeavours.

Sir Joseph Banks (1743–1820) dominated the scientific scene in Britain for almost 50 years. After studying botany at Oxford, he took part in botanical expeditions to Labrador and Newfoundland (1766) and to the South Pacific (1768–71). After energetic lobbying and large financial pay-offs, Banks was able to secure himself a paying place on the first voyage to the South Pacific. In 1774, after returning, he was active in institutions of scientific and natural enquiry. Omai's visit was not only a 'diversion'; Banks also used it to help advance his career. A close friend of George III, Banks served as President of the Royal Society from 1778 to 1820, helped found the botanical gardens at Kew and turned natural history from dilettantism to scientific study.

This painting therefore represented a transitional phase between the cultures of exploration and Empire and demonstrated Britain's fascination with foreign lands and its initial desire to understand these new cultures. Omai was one of the first black visitors to be welcomed as an equal in English society and this was one of a very small number of paintings which showed that Britain's historical response to other cultures and races could be positive.

We heard this case in January 2001, when the painting was shown to us.

The applicant did not dispute that the painting was of national importance. It was a major record from the eighteenth century of the exploration of the Pacific and therefore was of great significance to those interested in this area of history. She noted, however, that the UK was already rich in material relating to the exploration of the Pacific.

We concluded that the portrait met the first and third of the Waverley criteria. We therefore recommended that a decision on the export licence should be deferred for a period of two months, to enable an offer to purchase to be made at the agreed fair market price of £1,815,750 (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 were informed by the National Portrait Gallery and the National Museums and Galleries of Wales 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 three months. By the end of the second deferral period, the galleries, joined by the Captain Cook Memorial Museum at Whitby, had raised a major part of the funding. Given a strong possibility that the outstanding balance would be raised, and with the generous consent of the owner, the Minister of State for the Arts extended the deferral period by a further five weeks to enable an offer to be made. An offer to purchase the painting at the agreed fair market price was not made within the third deferral period and the licence application was subsequently withdrawn.

Case 27

A pair of George III mahogany side tables, from Hagley Hall

The tables measure 183 cm wide, 89 cm deep and 93 cm high and were supplied for the Saloon at Hagley Hall, Worcestershire. Each table has a mottled white and grey-green serpentine rectangular marble top, above an alternating shell and flower-head moulding and a blind fretwork frieze, above a shaped apron carved with acanthus. The sides have conforming decoration, on cabriole legs, each headed by an acanthus cabochon, with scrolled feet carved with acanthus, the back-rail on one replaced. The original marble table tops perished in the fire at Hagley in 1925 and the present marble tops are replacements. Mallett & Son Antiques Ltd applied for a licence to export the tables to Mallett, New York. The estimated value shown on the export licence application was £1,400,000.

The Acting Chief Curator at the Department of Furniture and Woodwork at the Victoria & Albert Museum, acting as the Department's expert adviser, objected to the export of the tables under the second and third of the Waverley criteria, because of their detailed decoration and their importance for the study of the Rococo ensemble at Hagley Hall. The Hall and Park at Hagley were regarded as being

among the supreme achievements of mid-eighteenth-century English architecture and landscape gardening. They were the creation of George, 1st Lord Lyttelton (1709–73), Secretary to Frederick, Prince of Wales, poet and man of letters and briefly Chancellor of the Exchequer, who was raised to the peerage in 1756.

This pair of side tables was made to complement a set of eight chairs in the Saloon attributed to cabinet-makers Vile and Cobb. The unity of decoration on these tables and the accompanying chairs formed a vital element in the interior of the Saloon. The shell-shaped acanthus foliage on the triple aprons of the tables echoed similar motifs in plasterwork by Vassalli on the walls. Even the carved shell and flower-head moulding directly beneath the marble tops echoed the frieze of the Saloon. The applied fretwork of the table frieze echoed the tracery in white marble on a ground of contrasting Siena marble of the mantelpiece frieze. The scrolled feet carved with acanthus echoed the similar feet on the matching chairs.

The applied carved decoration complemented the furniture made for the Long Gallery which was embellished with carving in a contrasting paler wood. Whereas the applied carving on the furnishings for the Long Gallery might have been inspired by the earlier work of Grinling Gibbons, as a complement to the late seventeenth-century portraits, the Saloon tables were in the latest Rococo style. The furnishing of Hagley was estimated to have cost £8,000. Contemporary records indicated that Lord Lyttelton patronised both local and London craftsmen. A payment to Edward Griffith in July 1760 for £50 might possibly indicate the supplier of these tables. Griffith had served as an assistant to the cabinet-maker Benjamin Goodison (c.1700–67) at Longford Castle before setting up on his own in Dean Street, Soho. It had been suggested that Griffith might be responsible for the Long Gallery candle-stands and girandoles at Hagley.

Attribution to Messrs Vile and Cobb rested on a comparison with the set of '10 mahogany Back stool chairs with carv'd feet' supplied to John Damer for Came House in July 1761. Vile and Cobb did supply mahogany frames for marble tops in 1761 for the use of Lyttelton's close friend, George, 6th Earl of Coventry at Croome Court, Worcestershire, not far from Hagley. Further research on the Lyttelton correspondence and household bills might throw more light on the identity of the suppliers of furniture for Hagley Hall.

As arguably the finest surviving series of interiors in the English Rococo style, Hagley was celebrated amongst both architectural and furniture historians. Although a fire in 1925 destroyed much of the Library and an important set of japanned chairs and breakfast table, it did not seriously affect the interiors of the Hall, Saloon, Drawing Room, Long Gallery and Dining Room, which remained intact.

We heard this case in December 2001, when the tables were shown to us.

The applicant's representative did not dispute the importance of the tables or the excellence of their execution but asked us to consider that articles of the period and medium were already well represented in public collections in the UK. He explained that the value on the export licence application was a pre-negotiation price.

We concluded that the tables met the third Waverley criterion, but were concerned at the difference between the pre-negotiation price of £1,400,000 on the licence application, and the auction price of £465,750, paid in June 2001 by the applicant. We decided that the applicant and expert adviser should each appoint an independent valuer to advise them on a fair market value. The two valuations were considered by us at our meeting in January 2002 and by correspondence with the three independent assessors for the case. We decided upon a recommended price of £1,200,000 and this was subsequently agreed by the expert adviser and the applicant.

We therefore recommended that a decision on the export licence application should be deferred for a period of two months, to enable an offer to purchase to be made at the agreed fair market price of £1,200,000. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed a serious intention to raise funds with a view to making an offer to purchase, the deferral should be extended by a further three months.

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 28

A pair of George II walnut upholstered side chairs by William Hallett

The chairs are carved from walnut and upholstered in coral silk damask. They come from a set of 18 walnut chairs and two walnut settees made by William Hallett (1707–81) in August 1735 for Arthur, 6th Viscount Irwin's house in Grosvenor Square, London. Gurr Johns Ltd applied for a licence to export the chairs to a purchaser in the USA whose name was supplied to the Committee but is withheld from the report by request. The value shown on the export licence application was £60,000, which represented the acquisition price, plus the cost of restoration and consequent enhanced value.

The Assistant Curator in the Department of Furniture and Woodwork at the Victoria & Albert Museum, acting as the Department's expert adviser, objected to the export of the chairs under the third Waverley criterion because of their importance as a part of a documented set made by William Hallett the Elder (c.1707–81) of Great Newport Street, Long Acre, London. Hallett was one of the most important and certainly the most prosperous English cabinet-makers of the first half of the eighteenth century.

The founder of the Irwin fortune was Sir Arthur Ingram (d.1642), a highly successful financier, who made loans to both James I and Charles I when money from Parliament was not forthcoming, and who acquired Temple Newsam House in 1622. His grandson, Henry Ingram, was created 1st Viscount Irwin by Charles II in 1661. From the early seventeenth century, the Ingrams became a prominent Yorkshire family and ordered furniture from London cabinet-makers like Thomas Chippendale and James Pascall, and local cabinet-makers like Richard Wright and Edward Elwick of Wakefield. Soon after the death of the 6th Viscount in 1736, Hallett's suite of furniture was moved to Temple Newsam, where it remained until the house sale of 1922. Twelve of the chairs were subsequently sold in 1978 and the remaining six, including this pair, in August 1998. Apart from this pair, two had remained in the UK and two had been exported.

A self-made man from Somerset, William Hallett made – and married into – enough money to build himself a country house about 1750, on the site of Cannons, the former Middlesex seat of the 1st Duke of Chandos. Hallett was the most successfully gentrified cabinet-maker of the eighteenth century. Indeed, during the early 1750s, he had a portrait painted of himself and his family – probably the only English cabinet-maker to do so – by Francis Hayman RA (1708–76) to celebrate the acquisition of his country house. Although he lived until 1781, Hallett was able to retire from cabinet-making by the mid 1750s and spend more time with his property interests.

The carved woodwork, particularly the claws on these chairs, was of a standard consistent with the best English furniture of the first half of the eighteenth century. The original crimson damask upholstery was thought to have been replaced with 'period' embroidery in the 1920s and the present coral silk damask covering dated from 2000. The front seat rail of one of the chairs had been replaced and the original patina removed in recent years. Nevertheless, most of the original – and the most conspicuous – woodwork survived in good condition, a testimony to Hallett's high quality workmanship.

Hallett was a favourite name for the attribution of furniture of this period and it had even been said – but with little evidence to support it – that rings found on the front legs of some furniture, clearly visible on these chairs, were a Hallett 'autograph'. However, hardly any documented or signed works of his were known to survive. Other than the suite made for the 6th Viscount Irwin in 1735, which was Hallett's earliest recorded commission, and the Gothic chairs made by him to a design by Richard Bentley and Horace Walpole for Strawberry Hill, the only other known item was a mahogany cabinet signed and dated 1763, formerly belonging to Lord Wharton of Helswell Park, Somerset.

A bill in the Temple Newsam papers, stored at the Leeds Office of the West Yorkshire Archives Service, was linked to this furniture by the late Christopher Gilbert, making this the earliest recorded commission of Hallett's work.

The expert adviser concluded that it was a rare event when bills of the 1730s matched a surviving object. These chairs were included in Hallett's first recorded commission, and it would be a cause for regret if they were to be lost to the country. Hallett's documented works remained elusive, and yet we knew as much about Hallett the man as any cabinet-maker before 1750. No other eighteenth-century cabinet-maker was known to have had a conversation piece painted of himself and his family. Nevertheless, even if he was perhaps the least shadowy amongst cabinet-makers before 1750, more research needed to be done and documented furniture provided a vital foundation for this.

We heard this case in February 2002, when the chairs were shown to us.

The applicant said that in his opinion, it was only under the third Waverley criterion that the chairs could be considered. He said that a documented chair made by Hallett's workshop was certainly an interesting item, but he very much doubted if it could be held that such a chair was of outstanding significance. Documented furniture by Hallett's workshop was rare, but these chairs demonstrated no unusual features of design or of cabinet-making technique that provided us with any significant additional information about eighteenth-century English furniture or manufacturing techniques.

We concluded that the chairs met the third Waverley criterion. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at the agreed fair market price of £60,000 (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 Temple Newsam House, Leeds of a serious intention to raise funds with a view to making an offer to purchase the side chairs. A decision on the export licence was deferred for a further three months. We subsequently learned that the chairs had been acquired by Temple Newsam House, with assistance from the Heritage Lottery Fund, the Resource/Victoria & Albert Museum Purchase Grant Fund, the National Art Collections Fund and the Leeds Art Collections Fund.

Case 29

An emerald and diamond tiara by Bapst of Paris, 1819–20

The tiara, made by Bapst of Paris, has a symmetrical design of scrolling foliage mounted with over 1,000 diamonds set in silver and 40 emeralds set in gold. The diamond-set line that runs around the base of the tiara has a bold curve, swinging down from the rear and then strongly up towards the front

where the tiara is crested by a large, thin emerald within a frame of 18 diamonds. Humphrey Butler Ltd applied for a licence to export the tiara to the Louvre in Paris, France. The estimated value shown on the export licence application was £700,000, which represented an agreed sale price.

The Acting Curator of the Metalwork, Silver and Jewellery Collection at the Victoria & Albert Museum, acting as the Department's expert adviser, objected to the export of the tiara under the second and third of the Waverley criteria, because of its outstanding aesthetic and technical importance.

The expert adviser said that according to Bernard Morel in *Les Joyaux de la Couronne de France* (1988), the tiara was commissioned in 1819 for the use of Marie-Thérèse (1778–1851), the daughter of Louis XVI and Marie Antoinette. Marie-Thérèse was the wife of Louis, Duc d'Angoulême (1775–1844), her first cousin, who became Dauphin of France on his father's accession as Charles X in 1824. The royal jewellers were Evrard and Frédéric Bapst, who executed the commission between September 1819 and July 1820. The Bapsts used the 14 largest emeralds that had remained unmounted in the Crown collection since the beginning of the First Empire. In addition, they supplied 26 small emeralds. The total weight of emeralds was given by Morel as 79.12 metric carats.

The tiara was the property of the French state, not the personal property of the Duchesse d'Angoulême. Having survived the proposal to sell the Crown Jewels in 1848, the tiara had come once again to prominence during the brilliant court life of the Second Empire when, as noted in the book *Tiara* by Diana Scarisbrick, the Empress Eugénie wore it frequently, 'being very fond of emeralds, which suited her fair skin and red hair'.

In August 1870, following the Prussian invasion, the Crown Jewels were taken to Brest, where they stayed until 1872. They were subsequently kept in the vaults of the Ministry of Finance. They were shown at the Paris Exhibition of 1878, and in a special exhibition at the Louvre in aid of the Ecole des Arts Industriels in 1884. Illustrations of the latter exhibition were published by Louis Enault in *Les Diamants de la Couronne*, Paris, 1884. Each of the sections of the octagonal showcase had been surmounted by a tiara, this one being placed at the head of a section displaying the Danish Royal Elephant (which was now in the Louvre) and the sword of Charles X. Of this tiara, Enault had written:

Qui n'a pas vu le panneau no. 6 ne sait pas ce que c'est qu'une émeraude. Il y a là un diadème dans lequel les pierres vertes alternent avec les brillants de façon à produire un entrecroisement de feux de couleur, dont l'effet est véritablement féérique...

After several years of discussion, and to the consternation of the French jewellery manufacturers, who were well aware of the artistic significance of the Crown Jewels, the majority of the jewels were sold in Paris in May 1887. The tiara, lot 27, was bought for 45,900 francs by Bachruch, who also acquired one part of the garland of currant leaves (lot 11).

Two leading authorities in Britain on the history of tiaras had been unable to shed any light on the history of the emerald and diamond tiara between 1887 and the early 1950s, when the present owner had acquired it. The owner did not recall the precise year of acquisition, from whom the tiara was acquired, or in which country it was acquired.

The tiara was amongst the most beautiful and important jewels of the early nineteenth century. The sense of movement which ran through the strong curve of the design and the justness of the way in which the diamonds and the emeralds were combined made the tiara of pre-eminent aesthetic importance. In addition, the tiara's origins were exceptionally well documented and of the very highest importance. It was one of the finest jewels of its age, a triumph of Parisian design and craftsmanship and it was all the more important because so much of the major jewellery of its period had been broken up. It had not suffered the fate, for example, of the emerald and diamond tiara of the Empress Marie-Louise, from which the emeralds had been removed in the 1950s, or of the diamond and sapphire tiara of Queen Marie-Amélie, which was substantially reduced and remodelled after 1839.

We heard this case in February 2002, when the tiara was shown to us.

The applicant said that the tiara was undoubtedly a masterpiece of its time and that he did not dispute its importance. However, the tiara was inextricably linked to French history and had to be considered as part of France's national heritage in terms of the royal context. Although aesthetically it had been an important exhibit at the Victoria & Albert Museum in recent years, it had no association, royal or otherwise, that would render it of outstanding cultural merit to the UK. He added that there were a number of tiaras of similar quality and workmanship in both private and public hands in the country.

We noted that it could not be stated with certainty that the tiara had been in the UK for the last 50 years, although it had been on display in the Jewellery Gallery of the Victoria & Albert Museum since 1982. However, in the absence of evidence to the contrary, the tiara had been referred to the expert adviser and thence to us.

We concluded that the tiara met the second and third of the Waverley criteria. We 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 £700,000. 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 also noted that the tiara had originally been part of the French Crown Jewels and that the application was intended to return it to the Louvre in Paris. We agreed that the Minister of State for the Arts should be made aware of the circumstances of the licence application.

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 30

The Kelso archive, c. 1750–1850

The Kelso archive comprises the surviving portion of the records of a firm of notaries, Smith and Robson, and contains manuscripts, printed items, legal documents, correspondence, inventories and modern reference material concerning Kelso, Roxburghshire, dating from c.1750–1850. Bernard Quaritch Ltd applied for a licence to export the papers to a university library in the USA. The value shown on the export licence application was £60,000, 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 papers under the first and third of the Waverley criteria, because a substantial part of Kelso's past would be lost to the region if the records were exported, together with a great deal of primary source material of outstanding importance for the historical study of many aspects of the locality.

The bulk of the material derived from a common source, being the salvaged portion of the records of a firm of notaries, Smith and Robson, of high standing and extensive interests in the Kelso area, and therefore had archival status. The vendor had obtained most of the documents when a firm of Kelso solicitors disposed of their records in the 1970s. John Smith (1782–1849), writer and notary of Bridge Street, Kelso, had been Keeper of the Seisins for Roxburghshire, Selkirkshire and Peeblesshire and Baillie of Kelso in succession to his father. His brother William (1786–1865) was Procurator Fiscal of the Justice of the Peace Court. Charles Robson appeared to have taken over as partner after John Smith's death, and the firm of Smith and Robson was joint clerk to the turnpikes and to the statute labour trustees of the district and treasurers of the town of Kelso and of the Kelso Parochial Board.

John Smith's obituary in the *Kelso Chronicle* confirmed that he was the town's most prominent official and citizen, and the firm's importance was such that its records were essential sources for almost every aspect of the economic and social life of the district, including transport, the press, elections and poor relief. In its traditional legal capacity, the firm represented, or was connected in some way with, many of the major families of the district. The material would certainly be valuable for social and economic historians, but local and family historians would also benefit greatly from it. It was the nature of such large archives that new researchers would always want to approach them for fresh purposes, to compare and cross refer between different parts, and would need repeated access over time. Microfilm could never be an adequate means of access to such a large, complex and interrelated body of material.

The period covered by the records made them especially valuable, because most of them predated government forms of information-collecting about households and individuals. They therefore provided a wealth of information for reconstructing the whole of a local society, which was not available from any other source.

We heard this case in February 2002, when the Kelso papers were shown to us.

The applicant's representative explained that more than 30 years ago, the current owner had been in Kelso where he had discovered a number of historical documents being thrown away (many of which had already been defaced by people removing the stamps and seals). After examining them, he contacted the Town Clerk, who stated that they were debris from a solicitor's office and were being discarded with his knowledge and authorisation. He gave the current owner permission to remove the material and to keep anything he thought was interesting. The owner had since added to his holdings by purchases from book and manuscript dealers.

The applicant's representative acknowledged that the Kelso archive included items that were of interest for the study of local history and that the disparate nature of the subject material and format also made it an interesting teaching resource. However, in her opinion, the papers did not meet any of the Waverley criteria and were not of national importance.

We concluded that the papers met the first and third of the Waverley criteria. However, we learned that, since the application had been made, the National Archive of Scotland had identified the contents of one box of the material (the Procurator Fiscal records) as having *extra commercium* status, that is, that they were public documents recognised as held for the benefit of the community at large and could not be bought, sold or given away. We acknowledged that the question of *extra commercium* status should be answered with reference to Scottish Law and asked the National Archive of Scotland to clarify the

matter with the Office of the Solicitor to the Scottish Executive. The advice received confirmed that the records concerned could not be bought, sold or given away and that they must be returned to official custody. However, it was acknowledged that the current owner had both acted in ignorance of the status of the papers and had looked after them carefully for some years, having saved them from destruction.

We agreed with the applicant's representative to proceed with the application minus the *extra commercium* items and that a sum of £2,500 would be deducted from the total price of the archive to reflect this. The applicant entered into separate negotiations with the National Archive of Scotland concerning the *extra commercium* material. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at or above the agreed fair market price of £59,010 (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 two months.

We were informed by the Scottish Borders Council of a serious intention to raise funds with a view to making an offer to purchase the archive. A decision on the export licence was therefore deferred for a further two months. We subsequently learned that the archive had been acquired by the Scottish Borders Council for the Library Service with assistance from the Heritage Lottery Fund, the National Fund for Acquisitions, the Kelso Common Good Fund, the Kelso Community Council and the people of Kelso.

Case 31

The archive of Walter Crane (1845–1915)

The archive contains account books, correspondence, designs, diaries, notebooks, paintings, photographs, press-cuttings, proofs for book illustrations, sketchbooks, textiles, and tracings, spanning Walter Crane's entire career. It derives from the remaining contents of Crane's studio at his death and was inherited by his grandson, Anthony Crane, 60 years ago. Apart from elementary conservation, indexing and correlation, it remained unchanged. T Rogers & Co. applied for a licence to export the archive to the Houghton Library at Harvard University. The value shown on the export licence application was £376,475, which represented the sale price agreed between the owner and the Library, including commission.

The Chief Curator of the Department of Prints, Drawings and Paintings at the Victoria & Albert Museum, acting as the Department's expert adviser, objected to the export of the archive under the first and third of the Waverley criteria. It was the major resource for the study of Walter Crane as artist, designer and educator, and of outstanding value to the study of British art and design of the late nineteenth and early twentieth centuries.

Walter Crane (1845–1915) played a pivotal role in British art and design during the late nineteenth and early twentieth centuries. As a founding member of the Art Workers Guild and a founding member and long-standing president of the Arts and Crafts Exhibition Society, he was a major figure who dominated the Arts and Crafts Movement. Crane's work as a book illustrator was successful, both in terms of the numbers of books sold and in the extension of book production techniques to the cheap book market. The sense of design and skilful absorption of varied historical influences demonstrated in the books were also characteristic of Crane's work as an interior decorator and commercial designer in ceramics, glass, textiles, and wallpaper, employed by the major manufacturers of his day. He developed a style dependent on a strong use of line and an interest in symbolism that was instantly recognisable, helping to make him one of Britain's best-known designers, both at home and abroad.

The same characteristics were also shown in Crane's paintings, the symbolic and moral content of which was linked to his belief in the redemptive power of art. Crane was among a number of artists, such as William Morris, whose commitment to socialism informed their subject matter, their methods of work and their beliefs in the role and duties of an artist. Whilst Morris's writings had an enduring impact on socialist thought, the iconography developed by Walter Crane had a lasting impact on the art of the British labour movement. As a writer and educator, he influenced both contemporary and future thought. By the 1880s, Crane was regarded as one of the leading figures of the Aesthetic Movement and his work was highly praised on the Continent. His reputation abroad, both in Europe and the USA, was promoted by participation in international exhibitions, through which he became the most prominent representative of British design.

Crane's relationship with his engraver, Edmund Evans, was revealed in diary entries, proofs, and original designs in the archive. The different aspects of his illustrative work were also represented, from small black and white press advertisements to full colour children's book illustrations, and were complemented by references in the diaries and workbooks. These references also threw light on Crane's other design activities and his work as a fine artist. They were backed up by design drawings, including many for interior decoration, and some developmental sketches linked to the famous pottery made by Maw & Co.

The development of Crane's ideas on design theory could be traced in the corrected working manuscripts of most of his books on the subject, several of which, such as the manuscript for *The Language of Line*, were backed up in the archive by drawings for illustration. The archive contained the original designs for Combe Bank, one of Crane's most complete interior decorations. In his use of gesso as a decorative medium for Combe Bank, Crane played a decisive role in the revival of this medium. The friezes for the Arab Hall at Leighton House were Crane's first work in mosaic, a medium that was growing in popularity for public buildings in the late nineteenth century. Its use for domestic interiors was both unusual and controversial. The background of family life, always an important element for Crane, was revealed in Mrs Crane's diary, photographs, and the 'black books' drawn for and with his children.

This archive was the most important collection of material relating to Walter Crane in existence. Because Crane was so prolific and involved in so many aspects of art, design and politics, the archive was also an essential source for research into British art and design in the late nineteenth and early twentieth centuries.

We heard this case in February 2002, when the archive was shown to us.

The applicant's representative said that the owner accepted that the archive afforded scholars an insight into the workings of a primary English artist, designer and book illustrator. The owner had felt that, in spite of the diversity of its elements, the interlinking with so many of Crane's manifold activities made it important to keep the material together, and that it be preserved in an environment containing similar items and where there was a sufficient number of appropriately qualified, experienced and interested staff to improve the understanding of Crane's work and to stimulate new research. The owner's attempts to sell the archive to a public collection in the UK dated back to 1996. However, having exhausted all possibilities in the UK, the owner had entered into negotiations with the Houghton Library and by November 2001 a sale had been successfully agreed. The owner was pleased that this sale would enable the integrity of the archive to be maintained and that a suitable home would be provided by the Houghton, which specialised in the study of books and their illustration and already contained holdings of Crane material.

We concluded that the archive met the first and third of the Waverley criteria. We agreed that we would take into account the efforts made by the owner over the last five years to place the archive in a UK collection. 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 £376,475 (including VAT). 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 two months.

We were informed by the Whitworth Art Gallery and John Rylands Library of the University of Manchester of a serious intention to raise funds with a view to making an offer to purchase the archive. A decision on the export of the archive was deferred for a further two months. We subsequently learned that the archive had been acquired by the Whitworth Art Gallery and John Rylands Library, with assistance from the Heritage Lottery Fund, the National Art Collections Fund, the Friends of the National Libraries and the Friends of the Whitworth Art Gallery.

Case 32

A fifteenth-century Middle English physician's handbook

The physician's handbook is a fifteenth-century illuminated manuscript on 100 leaves of vellum, measuring 209 x 140 mm, written in Middle English and lavishly decorated. It has more than 46 pages of astrological and calendar tables and diagrams, including two showing lunar eclipses in burnished gold and blue, five pages with 20 diagnostic illustrations of sample flasks, each framed in gold and with marginal flourishes, and two full page miniatures of 'vein man' and 'zodiac man'. Sam Fogg Rare Books Ltd applied for a licence to export the handbook to Dr Jorn Gunther in Hamburg, Germany. The value shown on the export licence application was £210,000, 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 handbook under the third Waverley criterion because of its outstanding importance for the study of medical history and devotional life in England in the later Middle Ages.

The codex was exceptionally important for research in a national context, because it could be dated (*c.*1454), localised (Lincoln) and associated with a specific person ('Richard ...'), and therefore studied in a fully contextualised way, which was not possible with the vast majority of medieval medical manuscripts. Except for some astronomical/astrological tables, it was entirely in English, setting it apart from the majority of medical manuscripts from the fifteenth century. What made this vernacular status of outstanding significance was that the volume also appeared to represent a unified and ambitious campaign of book production, presenting medical texts within a range of relevant studies: mathematics; astronomical, astrological, and calendrical reckoning; devices and texts for prognostication; and regimens of health, as well as the unique pilgrimage material.

It was also much more handsomely illustrated and decorated than was usual for such medical manuscripts, and included a number of striking visual aids to diagnosis (including the 'zodiac man' and the 'vein man'). These were important indications of the means and ambition of the commissioner as well as of

the status of vernacular medical texts. It could be concluded that the volume was made for an actual medical practitioner who had been successful enough to commission such a work and who had rested his successful practice confidently on non-Latinate study.

Several of the medical texts were either unrecorded or very rare. A search of *Scientific and Medical Writing in Old and Middle English*, eds Patricia D Kurtz and Linda Voigts (University of Michigan Press CD-Rom, 2000) revealed that the texts such as those on blood-letting veins and celestial distances were not otherwise attested. The collection of texts on reckoning time also appeared to be unique to this manuscript. Others were very rare, found only in British Library *Sloane MS 213* and Yale *Med. 47*.

Another outstanding feature of the codex was the lengthy pilgrimage treatise. This seemed to be unrecorded and might represent eye-witness testimony by a medieval pilgrim. It not only provided practical guidance for the journey from London to Jerusalem but also gave sightseeing advice along the way. The link in this volume between medical and devotional practices and the implied benefits of the pilgrimage for both physical and spiritual healing was an important one. It contributed to, and cast new light upon, a long-lived devotional tradition going back to the early ninth century Mercian prayer books in the British Library *Royal MS 2.A.xx*, and the Anglo-Saxon scientific miscellany, *Cotton Tiberius B.V*. This was an important English social context, and the unprecedented use of the vernacular made this example of special interest.

The manuscript therefore provided a window on English life in the later Middle Ages and a uniquely detailed view of the intellectual and spiritual world of one of its medical practitioners. The condition of parts of the manuscript, as well as its decorative features and indeed the impact it made as a complete object, meant that photography could not provide an adequate surrogate.

We heard this case in March 2002, when the handbook was shown to us.

The applicant's representative agreed that the handbook was an important manuscript but said that it was only the text that was unique, and this could be studied from facsimiles. He added that there were other comparable medical manuals in British institutional libraries.

We concluded that the handbook met the third Waverley criterion. We therefore recommended that a decision on the export licence application should be deferred for a period of three months, to enable an offer of purchase to be made at the agreed fair market price of £210,000. 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 handbook, the deferral period should be extended for a further three months.

We subsequently learned that the manuscript had been acquired by the Wellcome Trust, with assistance from the Fund for the Preservation of Industrial and Scientific Material (PRISM).

Case 33

A spring-driven astronomical table clock by Thomas Barry and James Moorcroft of Ormskirk, 1787

The clock is housed in a mahogany case with three Doric columns at each corner supporting a pagoda style top, surmounted by a mahogany pineapple finial. There are three dials on the clock. The main dial shows the time and the age of the moon, with shutters in the arch to show the varying length of day and night. The left-hand dial shows the date and gives various calendrical indications. In the arch above is a celestial planisphere, engraved with a polar projection of most of the known fixed stars. The calendar is perpetual with automatic adjustment for leap years. The right-hand dial is in the form of a planetarium showing the orbits of the six known planets and the earth's moon. One of the dials is inscribed around the aperture 'THOMAS BARRY ORMSKIRK'.

The fourth side has a glazed hinged door to reveal the clock movement. On the inside of the top is a printed label of the Ormskirk cabinet maker James Moorcroft. The eight-day duration, spring-driven movement has three trains for going, hour striking and music. The clock strikes the hours in passing in the usual way but also plays a choice of three tunes on eight bells in succession, two for three days twice and one for one day (Sunday). The clock changes the tune automatically, there being no manual select function. The melodies are not named on the clock and are so far not identified.

Raffety and Walwyn Ltd applied for a licence to export the clock to Mr Gerard Grunsell, Connecticut, USA. The value shown on the export licence application was £250,000, which represented an agreed sale price. In the event of a UK sale, this would attract VAT. The Keeper of the Medieval and Modern Department at the British Museum, acting as the Department's expert adviser, objected to the export of the clock under the third Waverley criterion, because of its importance to the study of clock making and, in particular, its outstanding significance to the interpretation of the history of clock making in eighteenth-century Lancashire.

The clock was a rare example of an eighteenth-century Lancashire astronomical clock and one of a very small group of English astronomical clocks generally. Increasingly during the eighteenth century, Liverpool and its environs became a major centre of the English clock and watch-making industry, with many of the major manufacturers supplying the London trade, particularly with partly finished movements. By the second half of the eighteenth century, Ormskirk had a well established tradition of clock making, based on the work of makers such as the Barton family, early in the century. In Liverpool,

makers such as Joseph Finney (c.1708–72) were held in high repute and King George III had a year duration regulator made by him in 1769 for his new observatory at Kew, built to observe the transit of Venus that year.

This clock was completed by Thomas Barry in 1787 when it was offered for sale by public raffle with 150 tickets of 1 guinea each. Remarkably, an original manuscript description to advertise the raffle survived with the clock, though there was no evidence so far to suggest who had won the it. Thomas Barry was recorded as a clock maker in Bailey's *Directory* for 1787 and was thought to have been the son of Joseph Berry (Barry), a breeches maker of Ormskirk who married Margaret Culshaw and had a son Thomas in 1756. This would have made Thomas 31 years old when he made the astronomical clock. Thomas Moorcroft appeared to have been the first child of tallow chandler Silvester Moorcroft and his wife Mary, who married on 24 November 1757. The baptism of their son James, aged eight years, was recorded in the Papists' Returns for Ormskirk in 1767. He would therefore have been 28 years old when the Barry clock was made.

Clocks by Thomas Barry were rare, with only five others recorded and the present whereabouts of four of them unknown. No example of the work of Barry or Moorcroft was known to be in a museum collection. This clock therefore represented the highest level of achievement of an Ormskirk maker in the eighteenth century and demonstrated the high regard in which clocks were held at the time. The price of 150 guineas expected to be raised by the raffle was perhaps a good indication of the amount of prestige vested in such a clock, at a time when a standard eight-day duration longcase clock would cost about £20. The clock was by far the most important of this small surviving group, not only for its highly complex dial indications but also for the fact that the case maker was known. It was rare for clock case makers to sign their work and only a small number of clocks made anywhere in Britain in the eighteenth century had evidence relating to their case makers. This clock therefore stood as an important example of the work of an eighteenth-century Lancashire cabinet maker, in addition to being a very rare example of a provincial English astronomical clock. The importance of the clock in its local context was also greatly enhanced by the survival of the contemporary manuscript description of the raffle arrangements and the functions of the clock.

This clock was amongst the most important pieces to be made in the Liverpool area in the second half of the eighteenth century. It was undoubtedly the most significant piece known to have been made in Ormskirk in the period and was therefore an important milestone in the story of the development of clock and watch-making as an industry in the town, an industry that was to play an important part in the economy of the area in the following century. The clock's conception also reflected a widespread interest in astronomy in the second half of the eighteenth century, spurred on by two successive transits of the planet Venus in 1761 and 1769, and the age of people such as James Ferguson, the

astronomer, and Benjamin Franklin, and perhaps the greatest era of the Royal Society. It was equally possible that Barry derived his inspiration from such major pieces as Eardley Norton and Christopher Pinchbeck's celebrated multi-dial astronomical clocks made for George III. This clock represented the highest achievement in terms of its combination of artistic design and technical complexity.

We heard this case in May 2002, when the clock was shown to us.

The applicant's representative did not dispute that the clock was one of the finest and rarest of its type ever made, but said that there were other astronomical clocks of more importance in the UK. He said that it lacked the finesse of the work of the London clockmakers and was therefore of only provincial and not national interest. In addition, its provenance before the early 1900s was unknown.

We concluded that the clock met the second and third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for a period of three months to enable an offer to purchase to be made at the agreed fair market price of £250,000 (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 National Museums and Galleries on Merseyside of a serious intention to raise funds with a view to making an offer to purchase the clock. A decision on the export licence was deferred for a further three months.

Case 34

A pair of Italian fifteenth-century *spalliera* panels showing scenes from the life of Achilles

These paintings, attributed to Johannes Hispanus (fl. 1490s–1528), are in oil on panel and depict *Thetis entrusting Achilles to the Centaur Chiron, and to the Daughters of Lycomedes* (59.5 x 144.5 cm) and *Ulysses finding Achilles among the Daughters of Lycomedes* (57.5 x 142.5 cm). The panels had been in a private UK collection at the start of the twentieth century. They had been purchased by Agnews at Phillips' sale of 28 September 1954 (lot 30), from whom the present owner had acquired them. Martinspeed Ltd applied to export the panels to Winchester Fine Art, New York, USA. The value shown on the export licence was £2,000,000, which represented the price at which the panels were offered for sale.

The Director of the National Gallery, acting as the Department's expert adviser, objected to the export of the panels under the third Waverley criterion. Although little known, he said that these *spalliera* panels were arguably the most important and beautiful examples of Italian fifteenth-century domestic

painting in private ownership in the UK. *Spalliera* paintings formed part of decorative schemes in wealthy Tuscan homes, generally commissioned by patrician men at the time of their first marriage. The earliest examples were back-boards to *cassoni* (painted chests), but by the 1480s *spalliera* panels were an independent art form, famed for their refinement and beauty. Each *spalliera* ensemble consisted of two or more panels set into the panelling of a private room. The majority were made in either Florentine or Sieneese workshops, and in general reflected the specific characteristics of each school. This pair of panels was unique because they used both Florentine and Umbrian styles of painting and storytelling in a coherent and believable fashion.

The paintings belonged to the pinnacle of *spalliera* production in the last 20 years of the fifteenth century. Such works were valued for their artistic qualities as much as for the stories from ancient history, mythology and poetry they told, set within a unified landscape or architectural background. Many of those ensembles were split up in the nineteenth century, when they were removed from their original contexts and sold. These panels were among the few sets of *spalliera* panels to have survived this dispersal intact. The history of Achilles before the Trojan War was very rare in the domestic painting repertoire. This pair was the only surviving *spalliera* representation of the subject. The story of Achilles' youth was told by a number of ancient authors, but it was more probable (as was generally the case with fifteenth-century domestic paintings) that Hispanus' narration was informed by a contemporary vernacular version of Achilles' youthful adventures.

Thetis entrusting Achilles to the Centaur Chiron, and to the Daughters of Lycomedes was set within a symmetrical river landscape of great beauty, framed by hills and rocky formations. On the left, the sea goddess Thetis entrusted the education of her son Achilles to the centaur Chiron. Opposite, Achilles was given by Thetis into the care of the daughters of King Lycomedes of Scyros. They prepared to disguise him as a woman, a ploy devised by Thetis to save her son from a premature death in the Trojan War. In the background, Thetis prepared to dip her son into the river, referring to Achilles' mythical dousing in the Styx, so that his body was invulnerable (save for the heel by which Thetis held him).

The second panel showed the discovery of Achilles by Ulysses at the court of King Lycomedes of Scyros. The seer Calchas had told Ulysses that Achilles (without whom the Greeks would lose the Trojan War) was hiding there, disguised as Pyrrha (the flame-haired girl). In the centre, Ulysses revealed Achilles' true identity before the King. All the real women were attracted by the fine materials and ornaments brought by the supposed pedlar, while Achilles reached instinctively for the sword that Ulysses had concealed in his basket. At the far left, Achilles' illegitimate son Neoptolemus (his mother was the King's daughter Deidamia) was entrusted to shepherds.

In 1955, the paintings were attributed to the Florentine Bartolommeo di Giovanni, who specialised in small-scale work, while Berenson considered them to be by a member of Perugino's *bottega*. Recently, Marco Tanzi, following a suggestion by Federico Zeri and Everett Fahy, had given them to the Spaniard Johannes Hispanus (*fl.* 1490s–1528) in the 1490s. However, the Peruginisque elements of the paintings were striking and suggested that they might be the work of a highly talented member of Perugino's workshop in the late 1490s, perhaps working in Florence.

These paintings were therefore unique among surviving *spalliera* ensembles because they combined Florentine and Umbrian stylistic and narrative formulae in a credible and unified way. They were of great importance for the study of secular painting in Florence and Umbria in the late Quattrocento, when this form of domestic art was at its creative height.

We heard this case in May 2002, when the panels were shown to us.

The applicant's representative said that the panels were of a good quality, but not of outstanding significance for the study of fifteenth-century secular painting. They were the finest examples of this type in a private collection, but UK museums were particularly strong in Renaissance painting, especially in *spalliera* and *cassone* panels, and the pair under consideration would not bring anything new to UK collections. The attribution to Johannes Hispanus came from a formidable trio of scholars in the form of Zeri, Tanzi and Fahy and would not be easy to dismiss. However, whether by Hispanus or by an anonymous hand, the panels remained in the second rather than the first rank of quality and their significance was consequently reduced.

We concluded that the panels met the third Waverley criterion. We therefore recommended that a decision on the export licence should be deferred for a period of two months to enable an offer to purchase to be made at the agreed fair market price of £2,000,000. 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 two months.

We were informed by the Ashmolean Museum, Oxford of a serious intention to raise funds with a view to making an offer to purchase the paintings. A decision on the export licence was deferred for a further two months. Although the Ashmolean Museum made an offer of £1,200,000 in early August, an offer to purchase the painting at the agreed fair market price was not made within the second deferral period, and a licence was therefore issued. We subsequently learned that the owner had agreed to sell the paintings to the Ashmolean Museum at the special price of £1,300,000, having a particular wish that they join its collection.

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 that 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; Chartered Institute of Library and Information Professionals; Canadian Cultural Property Export Review Board (*observer status*); Historical Manuscripts Commission;

(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 2002

Professor Brian Allen	Paul Mellon Centre for Studies in British Art	Case 5
Professor Francis Ames-Lewis	Birkbeck College, University of London	Cases 4, 6, 34
Professor David Bindman	University College London	Case 1
Professor James Boulton	University of Birmingham	Case 3
Mr Neil Brown	Science Museum, London	Case 33
Mr Peter Brown	Fairfax House, York	Case 7
Mr Julius Bryant	English Heritage	Case 28
Professor Graham Clarke	University of Kent	Cases 11–24
Mr Christopher Claxton-Stevens	Norman Adams Ltd	Cases 8, 27
Dr Richard Cocke	University of East Anglia	Cases 4, 6, 9
Mrs Shirley Corke	formerly Chief Archivist, Guildford Muniment Room	Cases 11–24
Dr Roger Davidson	University of Edinburgh	Case 30
Mr Stuart Durant	Kingston University	Case 31
Dr David Ekserdjian	Editor, <i>Apollo Magazine</i>	Case 9
Mr Oliver Fairclough	National Museums & Galleries of Wales	Case 8
Professor David Ganz	King's College, University of London	Cases 10, 32
Mr Richard Gray	Compton Verney House Trust	Case 2
Mr Francis Greenacre	formerly Bristol Museum & Art Gallery	Case 5
Professor Luke Herrmann	University of Leicester	Case 1
Dr Norman James	Historical Manuscripts Commission	Case 30
Dr Paul Johannides	University of Cambridge	Case 34
Mr David Jones	University of St Andrews	Cases 7, 8
Dr Martin Kauffmann	Bodleian Library, Oxford	Case 32
Mr John Kenworthy-Browne	Freelance conservator and writer	Case 5

Dr Christopher Kitching	Historical Manuscripts Commission	Case 10
Mr Andrew Lawson	Wessex Archaeology	Case 25
Professor David Loades	British Academy John Foxe Project	Case 10
Professor John Milner	University of Newcastle	Case 31
Mr John Murdoch	Courtauld Galleries	Case 1
Mr David Pay	E Hollander Ltd	Case 33
Dr Martin Postle	Tate Britain	Case 26
Dr Kenneth Quickenden	University of Central England	Cases 2, 28, 29
Dr Carole Rawcliffe	University of East Anglia	Case 32
Sir Hugh Roberts	The Royal Collection	Case 27
Mr Timothy Rogers	Bodleian Library, Oxford	Case 3
Mr Desmond Shawe-Taylor	Dulwich Picture Gallery	Case 26
Dr Alison Sheridan	National Museums of Scotland	Case 25
Professor John Steer	University of London	Cases 4, 6, 34
Dr Sarah Stevenson	Scottish National Portrait Gallery	Cases 11–24
Mr Hugh Tait	formerly Deputy Keeper, British Museum	Case 29
Dr Joan J Taylor	University of Liverpool	Case 25
Mr Tony Tibbles	National Museums & Galleries on Merseyside	Case 26
Mr Charles Trueman	Director, C & L Burman Ltd	Case 29
Dr Denys Vaughan	formerly Senior Curator, Science Museum	Case 33
Mr Anthony Wells-Cole	Temple Newsam House, Leeds	Cases 2, 27
Mr Aidan Weston-Lewis	National Gallery of Scotland	Case 9
Mr John Wilson	John Wilson (Autographs) Ltd	Cases 3, 30
Mr Christopher Wood	Art dealer, consultant and historian	Case 31
Miss Lucy Wood	National Museums & Galleries on Merseyside	Cases 7, 28

Appendix D

Items licensed for export after reference to expert advisers for advice as to national importance: 1 July 2001–30 June 2002

Category	Advising authority	No. of items	Total value (£)
Archaeological material	British Museum, Keeper of Medieval and Modern Europe	6,587	6,221,328
Arms and armour	Royal Armouries, HM Tower of London, Master of the Armouries	24	1,729,162
Books, maps, etc.	British Library, Keeper of Printed Books, Keeper of Printed Maps	74	22,596,716
Books (natural history)	Natural History Museum, Head of Library Services	2	113,272
Ceramics	Victoria & Albert Museum, Sculpture, Metalwork, Ceramics & Glass Division, Deputy Curator	63	7,861,182
Clocks and watches	British Museum, Curator of Clocks and Watches	32	4,021,621
Coins and medals	British Museum, Keeper of Coins and Medals	27	432,137
Drawings: architectural, engineering and scientific	Victoria & Albert Museum, Word & Image Department, Head of Designs Section	56	3,164,000
Drawings, prints, watercolours	British Museum, Keeper of Prints and Drawings	556	138,559,923
Egyptian antiquities	British Museum, Keeper of Ancient Egypt and Sudan	4	767,578
Ethnography	British Museum, Keeper of Ethnography	5	486,082
Furniture and woodwork	Victoria & Albert Museum, Furniture, Textiles & Fashion Division, Chief Curator	498	78,353,059
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	8	972,593
Indian furniture	Victoria & Albert Museum, Asian Division, Chief Curator	9	739,810
Japanese antiquities	British Museum, Keeper of Japanese Antiquities	17	2,945,453
Manuscripts, documents and archives	British Library, Manuscripts Librarian	854	55,391,794
Maritime material, including paintings	National Maritime Museum	3	357,500
Medieval and later antiquities	British Museum, Keeper of Medieval and Modern Europe	1	240
Oriental antiquities (except Japanese)	British Museum, Keeper of Oriental Antiquities	25	3,375,192
Oriental furniture	Victoria & Albert Museum, Asian Division, Deputy Curator	73	13,978,298
Paintings, British, modern	Tate Britain, Senior Curator	292	240,997,066
Paintings, foreign	National Gallery, Director	244	446,573,624
Paintings, miniature	Victoria & Albert Museum, Word & Image Department, Head of Paintings Section	0	0
Paintings, portraits of British persons	National Portrait Gallery, Director	56	13,623,939
Photographs	National Museum of Photography, Film & Television, Head	90	8,797,281
Prehistoric and Romano-British antiquities	British Museum, Keeper of Prehistory and Early Europe	4	597,005
Scientific and mechanical material	Science Museum, Director	7	619,154
Sculpture	Victoria & Albert Museum, Sculpture, Metalwork, Ceramics & Glass Division, Chief Curator	101	24,737,576
Silver and weapons, Scottish	Royal Museum of Scotland	1	63,680
Silver, metalwork and jewellery	Victoria & Albert Museum, Sculpture, Metalwork, Ceramics & Glass Division, Deputy Curator	271	41,447,829
Tapestries, carpets (and textiles)	Victoria & Albert Museum, Furniture, Textiles & Fashion Division, Deputy Curator	94	7,380,728
Toys	Bethnal Green Museum of Childhood	1	119,438
Transport	Science Museum, Curator of Road Transport	113	20,471,213
Wallpaper	Victoria & Albert Museum, Word & Image Department, Head of Contemporary Section	0	0
Western Asiatic antiquities	British Museum, Keeper of the Ancient Near East	1	750,000
Zoology (stuffed specimens)	Natural History Museum, Keeper of Zoology	0	0
Totals		10,193	£1,148,245,473

The figures include items licensed for temporary export

Appendix E

Table I. UK exports and imports of works of art, collectors' pieces and antiques, 1997–2002

	Paintings, drawings, etc.	Other items	All items
	Value £(000)	Value £(000)	Value £(000)
Exports			
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
1997–98	817,379	697,857	1,515,236
Imports			
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
1997–98	813,775	451,518	1,265,293

Table II. Exports of works of art, collectors' pieces and antiques to destinations outside the EU, 2001–02

	Paintings, drawings, etc.	Other items	All items	
	Value £(000)	Value £(000)	Value £(000)	% by country
USA	944,906	599,246	1,544,152	71.5
Switzerland	229,131	102,616	331,747	15.3
Other non-EU excluding USA and Switzerland	121,737	162,515	284,252	13.2
Total	1,295,774	864,377	2,160,151	100.0

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

Appendix G

Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art 1995–2002

Year	Number of items licensed for export	Value of items licensed for export (£)	Number of items purchased	Value of items purchased (£)	Number of items supported by HLF/ NHMF	Contribution of HLF/ NHMF (£)	Number of items supported by NACF	Contribution of NACF (£)	Number of items supported by Resource/ V&A Fund	Contribution of 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 ⁵	1,627,956 ⁵	19 ⁵	569,395 ⁵	3	78,000

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.

5 Including support for two items where purchase offers were refused.

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
Jan–June 1995	A George III gilt wood 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, 1st 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

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
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
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 6th/early 7th 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 photogenic drawings and one positive paper print by William Henry Fox Talbot, 1839	National Museum of Photography, Film and Television	28,000	(HLF) 21,000 ¹	10,000 ¹	0

¹ These grants were made towards the purchase of a portfolio of eight items for £51,600, 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 bronze modified andiron surmounted by a figure of Jupiter, attributed to Roccatagliata, late 16th to early 17th 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 17th-century revolving gold signet ring	Castle Museum, Norwich	21,172.50	(HLF) 13,700	0	4,981
1996–97	A painting, <i>Eine kleine Nachtmusik</i> , by Dorothea Tanning, 1943	Tate Gallery	156,250	0	59,379	0
1996–97	A large naval gold medal and two stars of the Order of the Bath presented to Sir William Carnegie, Earl of Northesk	Scottish United Services Museum	107,925	HLF) 136,700 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			
1997–98	A drawing, <i>Antonio Canova in his Studio</i> , by Hugh Douglas Hamilton	Victoria & Albert Museum	525,400	0	262,700	0

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

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
1997–98	A silver egg-cup frame and egg-cups, 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 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 1st-century AD bronze harness-mount	Corinium Museum, Cirencester	4,000	0	1,000	2,000
1998–99	Three paintings: <i>Mr William Brooke</i> , <i>Mr William Pigot</i> , and <i>Mrs William Pigot</i> , by Joseph Wright of Derby, c.1760	Doncaster Museum and Art Gallery	215,000	(HLF) 161,000	13,000	26,000
1998–99	A gilt-bronze figure of St John the Evangelist, c.1180	Ipswich Borough Council and St Edmundsbury Borough Council	95,000	(HLF) 70,000	15,000	0
1998–99	A lady's secretaire by Thomas Chippendale, 1773	Leeds Museums and Galleries for Temple Newsam House	650,000	(HLF) 329,000	70,000	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
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 St 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, 3rd 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 the <i>Dog of Alcibiades</i> , 2nd century AD	British Museum	679,683.14	(HLF) 362,000	100,000	0
2000-01	Three English 15th-century oak figures	Victoria & Albert Museum	258,500	(HLF) 145,000	50,000	0

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
2001-02	A watercolour, <i>Near Beddeleert (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
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	Eleven albumen prints and glass negatives by Charles Lutwidge Dodgson (1832–98) ('Lewis Carroll')	National Museum of Photography, Film and Television	345,311.88	(NHMF) 471,500 ³	100,000 ³	0
2001-02	Two Late Bronze Age gold hair rings, c. 1100–750 BC	Ashmolean Museum	4,700	0	0	0
2001-02	A 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

³ Including support for two items where purchase offers were refused.

Year	Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by NACF (£)	Support by Resource/V&A Fund (£)
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 15th-century Middle English physician's handbook	Wellcome Trust	210,000	0	0	0

Appendix H

Consultation paper issued by the Department for Culture, Media and Sport: Review of the Open General Export Licence Limits

19 April 2002

To All Members of the Advisory Council on the Export of Works of Art

REVIEW OF THE OPEN GENERAL EXPORT LICENCE LIMITS

Introduction

1. This submission proposes a review of the UK's Open General Export Licence (OGEL) limits. These guide policy on which applications (for individual licences) are referred to Expert Advisers in the National Museums and Galleries to provide an opportunity for objection under the Waverley criteria (and possible onward referral to the Reviewing Committee on the Export of Works of Art).
2. It is proposed that the OGEL limits should be updated to take account of inflation (on the price of cultural objects) since the current limits were introduced in 1993.

The Open General Export Licence (OGEL)

3. **Under UK export legislation**, all cultural objects manufactured or produced more than 50 years before the date of exportation (with certain limited exceptions, e.g. personal papers) require an export licence. However, in order to reduce the burden on exporters and remove the need to obtain individual licences, we issue an Open General Export Licence (OGEL) which permits the permanent export of certain cultural objects valued at or below specified financial thresholds (the OGEL limits). The current OGEL limits are attached at Annex A.

European Union legislation – Council Regulation (EEC) No 3911/92 on the export of cultural goods (the EU Regulation)

4. The EU Regulation, which came into effect from 1 April 1993, is operating in tandem with the requirements under UK law. The Regulation requires individual licences to be obtained for the export to destinations outside the European Union of certain cultural goods valued at or above specified financial thresholds (set out in an annex to the Regulation). The current thresholds, contained in the Regulation's annex, are attached at Annex B. **An uplift in the OGEL limits cannot override the export licensing provisions of the EU Regulation.**

Policy on which applications for export licences are referred to Expert Advisers

5. The OGEL limits guide UK policy on which applications (for individual licences) are referred to the Expert Advisers in the National Museums and Galleries (to provide an opportunity for objection to export under the Waverley criteria and possible onward referral to the Reviewing Committee on the Export of Works of Art). Therefore, although a cultural object may require an individual licence under the EU Regulation, if it is valued below the relevant OGEL limit, it would not normally be referred to an Adviser. For example, a drawing valued at £15,000, would require an individual licence under the EU Regulation (limit £11,900) but would not be referable to an Adviser (OGEL limit £39,600).

Previous reviews of the OGEL limits

6. Prior to the introduction of the EU Regulation in 1993, the OGEL limits were regularly reviewed, usually every 12 to 18 months; and they were revised (usually upwards but occasionally downwards) to take account of any increases or decreases in the financial value of cultural objects whilst, at the same time, ensuring that the limits were maintained at a level which would continue to protect objects of Waverley standard (i.e. they would not fall below the OGEL limits).

The lack of a review since 1993

7. With the introduction of the EU Regulation in 1993, the OGEL limits were rationalised, as far as possible, with the financial thresholds contained in the Regulation's Annex, in order to avoid having too many disparate limits. For example, the OGEL limit for paintings in oil or tempera (excluding portraits) was raised from £100,000 to £119,000 (to correspond with the threshold in the Annex to the EU Regulation); but, at that time, it was considered that a rise in the OGEL limit for textiles (excluding carpets and tapestries) from £6,000 to £11,900 (the nearest corresponding EU limit) could not be justified.
8. Article 10 of the EU Regulation states:
...the Council, acting on a proposal from the Commission, shall examine every three years and, where appropriate, update the amounts indicated in the Annex [to the Regulation], on the basis of economic and monetary indicators in the Community.
9. It was the intention that, alongside the proposed updates of the annex to the Regulation, the UK's OGEL limits would be similarly raised to take account of inflation, thus maintaining consistency between the two systems. However, the European Commission (in whose gift rests

any review of the Regulation's annex) has so far failed to propose an update; and this has led to the lowering by default of both the UK OGEL limits and the thresholds in the Regulation's annex. By extension, this has increased the administrative burden each year on the Export Licensing Unit (in DCMS), Expert Advisers and those wishing to export cultural objects.

Lowering of the financial thresholds contained in the annex to the EU regulation

10. From 1 September this year, the financial thresholds in the annex to the EU Regulation will be lowered. This is a separate issue from the review (or lack of one) mentioned in paragraphs 7 to 9 above.
11. The financial thresholds contained in the annex to the Regulation were originally expressed in European Currency Units (ecus), with a fixed date of 1 January 1993 for conversion of the values into national currencies. From 1 January 1999, the ecus in the Annex were automatically replaced by **euros** on the basis of a one to one conversion. From 1 January 2002, those Member States participating in European Monetary Union (EMU) have directly applied the thresholds in euros. Without this amendment, Member States who have the euro as their currency would be applying different amounts (converted on the basis of exchange rates on 1 January 1993 as opposed to the irrevocably fixed euro rates of 1 January 1999).
12. For the UK (and other Member States not adopting the euro and who will continue to convert the financial thresholds into national currencies), the conversion into sterling has to be on the basis of the exchange rate on 31 December 2001, and this rate should be automatically updated every two years to compensate for the variations between the exchange rate of the euro and national currencies. Due to the strong pound, this has **decreased** in sterling the financial thresholds in the annex to the EU Regulation. This change should have taken effect from 1 January 2002. However, for practical reasons, introduction of the new lower thresholds has been delayed until 1 September. These are attached at Annex C.

Review of the OGEL limits

13. As mentioned in paragraph 9 above, it had been the intention to update the OGEL limits when the thresholds in the annex to the EU Regulation were updated triennially '...on the basis of economic and monetary indicators...'. Due to a lack of such updates, and the further lowering in real terms of the EU thresholds from 1 September, we have concluded that rationalisation of the two systems (for the sake of consistency and clarity) is no longer a viable option.

14. An upward revision of the OGEL limits would not remove the necessity to obtain an individual export licence where one is required under the Regulation (for export to destinations outside the European Union). However, as mentioned in paragraph 5 above, the OGEL limits guide the policy on which licence applications are referred to Expert Advisers. Therefore, raising the limits to take account of inflation since 1993 would reduce the number of applications referred to Advisers. This would be of benefit to all concerned since it would reduce the workload of the Advisers and, to a certain extent, that of the Export Licensing Unit, whilst at the same time significantly reducing the processing time for a large number of licences.
15. The aim would be to introduce the new OGEL limits from 1 September in order to compensate for the greatly increased number of licences that exporters will need to obtain for cultural objects under the EU Regulation.

Inflation in the financial value of cultural objects since 1 April 1993

16. We have calculated new OGEL limits, to take account of inflation since the current limits were introduced on 1 April 1993, based on the Duthy Index, an independent analysis of art market prices. These are attached at Annex D. All figures have been rounded down to the nearest thousand pounds.

Protection of objects of Waverley standard

17. Clearly, it is important that objects of Waverley standard should continue to be protected, i.e. they will not be 'lost' by falling below the proposed OGEL limits (in Annex D) resulting in non-referral to an Expert Adviser. Therefore, if you believe the proposed limits may be too high, you are invited to submit evidence demonstrating that objects of Waverley standard may be of a lower financial value.

Consultation

18. Views are invited on the proposed revision of the OGEL limits by Friday 14 June. This eight week deadline will allow all responses to be received and analysed in advance of the meeting of the Advisory Council on Wednesday 3 July so that, if necessary, a discussion can take place at that meeting. An eight week deadline will also enable a further exchange of correspondence on this subject, if necessary, with the aim of introducing new limits on 1 September (as mentioned in paragraph 15). Written comments should be sent to:

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Export Licensing Unit
Department for Culture, Media and Sport
2–4 Cockspur Street
London
SW1Y 5DH

Tel: 020 7211 6168

Fax: 020 7211 6170

E-mail: ray.toth@culture.gsi.gov.uk (Attachments sent by e-mail should be in rich text (rtf) format).

19. An electronic copy of this document is available on the Department's website at http://www.culture.gov.uk/heritage/export_licence_review.html.

Publication of responses

20. The Government will publish a summary of the responses to this consultation document on the DCMS website. We may also make individual responses available, on request. It will be assumed that respondents are content for their comments to be made available unless they indicate otherwise.

Consultees who wish their responses to remain confidential should make clear whether they wish to protect their identity, the content of their responses (or part of it), or both.

Lynn Gates

Head of the Export Licensing Unit

Annexes

Annex A

Current open general export licence (OGEL) limits

Archaeological material found in UK soil or UK territorial waters	£zero
Manuscripts, documents and archives	£zero
Architectural, scientific and engineering drawings produced by hand	£zero
A photographic positive or negative or any assemblage of such photographs	£6,000
A textile (excluding carpets and tapestries)	£6,000
A portrait or likeness of a British Historical Person (i.e. someone listed in the <i>Dictionary of National Biography</i> or <i>Who Was Who</i>)	£6,000
A firearm over 100 years of age and any other arms or armour	£20,000
A firearm between 50 and 100 years of age	£39,600
A painting in oil or tempera (excluding portraits of British Historical Persons)	£119,000
Any other item over 50 years of age (excluding archaeological material found in UK soil or UK territorial waters; manuscripts, documents and archives; and architectural, scientific or engineering drawings produced by hand)	£39,600

Annex B

Current thresholds contained in the Annex to EU Regulation 3911/92

1.	Archaeological objects more than 100 years old that are the products of:	
	• excavations and finds on land or under water	
	• archaeological sites	
	• archaeological collections	£zero
2.	Elements forming an integral part of artistic, historical or religious monuments that have been dismembered, of an age exceeding 100 years	£zero
3.	Pictures and paintings, other than those in category 3A or 4, executed entirely by hand, on any medium and in any material (see note 1 below)	£119,000
3A.	Watercolours, gouaches and pastels executed entirely by hand in any material (see note 1 below)	£23,800
4.	Mosaics in any material executed entirely by hand, other than those falling in categories 1 or 2, and drawings in any medium executed entirely by hand on any material (see note 1 below)	£11,900
5.	Original engravings, prints, serigraphs and lithographs with their respective plates and original posters (see note 1 below)	£11,900
6.	Original sculptures or statuary and copies produced by the same process as the original, other than those in category 1 (see note 1 below)	£39,600
7.	Photographs, films and negatives thereof (see note 1 below)	£11,900
8.	Incunabula and manuscripts, including maps and musical scores, singly or in collections (see note 1 below)	£zero
9.	Books more than 100 years old, singly or in collections	£39,600

10.	Printed maps more than 200 years old	£11,900
11.	Archives, and any elements thereof, of any kind or any medium that are more than 50 years old	£zero
12.	(a) Collections and specimens from zoological, botanical, mineralogical or anatomical collections;	£39,600
	(b) Collections of historical, palaeontological, ethnographic or numismatic interest	£39,600
13.	Means of transport more than 75 years old	£39,600
14.	Any other categories of antique item not included in categories 1 to 13, more than 50 years old	£39,600

Notes

1. Which are more than 50 years old and do not belong to their originators.
2. The figures given in sterling are a conversion from the former European Currency Unit (based on the exchange rate on 1 January 1993) rounded down to the nearest sensible figure.

Annex C

New thresholds from 1 September 2002 under EU regulation 3911/92

1.	Archaeological objects more than 100 years old which are the products of:	
	• excavations and finds on land or under water	
	• archaeological sites	
	• archaeological collections	£zero
2.	Elements forming an integral part of artistic, historical or religious monuments that have been dismembered, of an age exceeding 100 years	£zero
3.	Pictures and paintings, other than those in category 3A or 4, executed entirely by hand, on any medium and in any material (see note 1 below)	£91,200
3A.	Watercolours, gouaches and pastels executed entirely by hand in any material (see note 1 below)	£18,200
4.	Mosaics in any material executed entirely by hand, other than those falling in categories 1 or 2, and drawings in any medium executed entirely by hand on any material (see note 1 below)	£9,100
5.	Original engravings, prints, serigraphs and lithographs with their respective plates and original posters (see note 1 below)	£9,100
6.	Original sculptures or statuary and copies produced by the same process as the original, other than those in category 1 (see note 1 below)	£30,400
7.	Photographs, films and negatives thereof (see note 1 below)	£9,100
8.	Incunabula and manuscripts, including maps and musical scores, singly or in collections (see note 1 below)	£zero

9.	Books more than 100 years old, singly or in collections	£30,400
10.	Printed maps more than 200 years old	£9,100
11.	Archives, and any elements thereof, of any kind or any medium that are more than 50 years old	£zero
12.	(a) Collections and specimens from zoological, botanical, mineralogical or anatomical collections;	£30,400
	(b) Collections of historical, palaeontological, ethnographic or numismatic interest	£30,400
13.	Means of transport more than 75 years old	£30,400
14.	Any other categories of antique item not included in categories 1 to 13, more than 50 years old	£30,400

Notes

1. Which are more than 50 years old and do not belong to their originators.
2. The figures given in sterling are a conversion from the former European Currency Unit (based on the exchange rate on 1 January 1993) rounded down to the nearest sensible figure.

Annex D

Proposed OGEL limits to take account of inflation since 1 April 1993

Archaeological material found in UK soil or UK territorial waters	£zero
Manuscripts, documents and archives	£zero
Architectural, scientific and engineering drawings produced by hand	£zero
A photographic positive or negative or any assemblage of such photographs	£10,000
A textile (excluding carpets and tapestries)	£10,000
A portrait or likeness of a British Historical Person (i.e. someone listed in the <i>Dictionary of National Biography</i> or <i>Who Was Who</i>)	£8,000
A firearm over 100 years of age and any other arms or armour	£35,000
A firearm between 50 and 100 years of age	£65,000
A painting in oil or tempera (excluding portraits of British Historical Persons)	£180,000
Any other item over 50 years of age (excluding archaeological material found in UK soil or UK territorial waters; manuscripts, documents and archives; and architectural, scientific or engineering drawings produced by hand)	£65,000

Appendix I

Terms of Reference of the Quinquennial Review of the Reviewing Committee on the Export of Works of Art

Aim

To determine whether:

- there is a continuing need for the services provided by the Reviewing Committee;
- the scope of services provided should be extended or reduced;
- those services are best delivered by an advisory NDPB;
- (subject to confirmation as an advisory NDPB) improvements can be made in efficiency and effectiveness of service delivery.

Issues for consideration during the Review

1. The need for a Reviewing Committee and the extent to which it contributes to the delivery of Government and, within that, departmental objectives;
2. Whether the Reviewing Committee should be a standing body or whether there are other options for delivery;
3. Links that exist, or should exist, between the Reviewing Committee and other organisations, and opportunities for partnership working;
4. The Reviewing Committee's geographical coverage;
5. What the Reviewing Committee's stakeholders think about its role, performance and responsiveness to their needs;
6. Whether any amendments are needed to the Reviewing Committee's terms of reference to enable it more effectively to play its part in delivering Government and, within that, departmental objectives;
7. Whether it is appropriate for changes to be made to the system and procedures for controlling the export of cultural goods;
8. The recommendations of the report of the Ministerial Advisory Panel on Illicit Trade (2000);

9. Whether any structural changes are needed to enable the Committee more effectively to play its part in delivering Government and, within that, departmental objectives;
10. The extent to which the Reviewing Committee provides value for money and the scope for increased efficiency gains;
11. The effectiveness of arrangements for administrative support;
12. Whether the Reviewing Committee could make better use of new technology;
13. The extent to which guidance and codes of practice are followed in respect of Committee appointments and members' conduct;
14. Whether the Reviewing Committee operates in an open and transparent fashion in accordance with the Code of Practice on Access to Government Information.

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