



Department for  
Digital, Culture,  
Media & Sport

# Export of Objects of Cultural Interest

---

2017–18



ARTS COUNCIL  
ENGLAND



# Export of Objects of Cultural Interest

---

2017–18

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



© Crown copyright 2019

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3)

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.uk/government/publications](https://www.gov.uk/government/publications)

Any enquiries regarding this publication should be sent to us at [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)

ISBN 978-1-5286-0947-0

CCS1218242248 04/19

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office



Department for  
Digital, Culture,  
Media & Sport

# Export of Objects of Cultural Interest

---

## 2017–18

1 May 2017 to 30 April 2018

- I Report of the Secretary of State
- II Report of the Reviewing Committee on  
the Export of Works of Art and Objects  
of Cultural Interest



# Annual report to Parliament

By the Secretary of State  
for Digital, Culture,  
Media & Sport



---

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

I am pleased to lay before Parliament the 14th annual report on the operation of the export controls on objects of cultural interest, as required by the Export Control Act 2002. The report covers the period 1 May 2017 to 30 April 2018 and is the 64th year that the Government has published the annual report of the Reviewing Committee.

The UK's export control system has always sought to strike a balance, as fairly as possible, between allowing the majority of cultural objects to be freely exported and providing an opportunity to identify the most exceptional items and provide an opportunity for a UK buyer to acquire them. It is thanks to the excellent efforts of the Reviewing Committee and its expert advisers that we are broadly successful in meeting that aim.

The Committee has once again had a busy year, identifying 12 objects, collectively worth £61.6 million, as meeting the Waverley criteria and which were subsequently placed under export-deferral. Seven were eventually saved and now enrich collections around the UK. All of the export-deferred items are outstanding in their own way but several are particularly worthy of note.

The Palladian baby house is one of only around 30 surviving examples of pre-1760 English baby houses. Jessie Burton's best-selling 2014 book *The Miniaturist*, which was also made into a BBC drama, has brought baby houses to renewed attention in recent years. This fine example was acquired by the V&A Museum of Childhood.

Another item which is small in scale but hugely important is the rare bronze Roman figurine. It is extremely unusual for portable art from this period of Roman rule to depict a distinctively British character and the acquisition by Chelmsford Museum will offer an important new glimpse into the clothing of our Romano-British ancestors.

The *Lobster Telephone*, Salvador Dalí and Edward James deservedly features on the front cover of the annual report. The *Lobster Telephone*, which was created in the UK, was acquired by the National Galleries of Scotland and cements its position as one of the world's greatest collections of Surrealist art. No less outstanding is the *Mae West Lips Sofa*, also Dalí and James, which was acquired by the Victoria and Albert Museum.

As the Chairman of the Committee notes, a number of recent cases encouraged us to take a fresh look at the export-deferral process. In December 2018, my Department issued a public consultation on 'strengthening the process for retaining national treasures'. The consultation outlines proposals to introduce a legally binding mechanism – often referred to as a 'binding offers' mechanism – so that owners of cultural objects found to be national treasures, who have confirmed that they are prepared to sell to a museum or gallery or relevant private purchaser at an agreed fair market price, are legally bound to follow through on their commitment to do so. We are now considering the views of respondents on these proposals.

I would like to thank Sir Hayden Phillips for his excellent chairing of the Committee and to the members for their time and expertise. My thanks go out also to the expert advisers and the many organisations and individuals without whose help we would not have an opportunity to save these wonderful items. Their continued efforts, combined with our examination of the export-deferral process, will ensure that our national treasures are well protected.

### Jeremy Wright MP

Secretary of State for Digital,  
Culture, Media & Sport

# Operation of the Control

The following figures cover the period of this report (1 May 2017 to 30 April 2018).

	1 May 2016 – 30 April 2017	1 May 2017 – 30 April 2018
(a) Number of applications for individual export licences <sup>1</sup>	10,941	10,858
(b) Number of above applications which were for manuscripts, documents or archives	1,792	1,682
(c) Number of items licensed after reference to expert advisers on the question of national importance	27,398	27,300
(d) Total value of items in (c)	£1,712,154,287	£1,564,927,630.15
(e) Number of Open Individual Export Licences (OIEL) in operation having been issued in previous years to regular exporters for the export of (i) manuscripts, documents, archives and photographic positives and negatives; (ii) objects imported into the UK in the past 50 years; (iii) UK origin coins; (iv) the temporary export of a Rolls-Royce; (v) the temporary export of objects owned or under the control of national institutions or institutions holding designated collections	67	64
(f) Number of items licensed after the Export Licensing Unit was satisfied of import into the UK within the past 50 years	22,585	10,534
(g) Total value of items in (f)	£11,615,616,080	£13,438,786,425.30
(h) Number of items in (f) which were manuscripts, documents or archives	1,194	814
(i) Total value of items in (h)	£138,836,939	£74,709,557.96
(j) Number of items given an EU licence without reference to the question of national importance because they were either: valued at below the appropriate UK monetary limit <sup>2</sup> ; owned by a museum or gallery that had an OIEL; manuscripts valued at £1,500 or less or coins valued at £500 or less and the exporter held a valid OIEL; musical instruments exported for less than six months for use in the course of work by a professional musician; a motor vehicle exported for less than six months for social, domestic or pleasure purposes; a foreign registered motor vehicle exported following importation for less than six months for pleasure purposes; imported into the UK in the last 50 years and were being exported on a temporary basis	3,164	3,063
(k) Total value of items in (j)	£2,245,429,545	£3,458,051,653.44

1 One application may cover several items.

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





Department for  
Digital, Culture,  
Media & Sport

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

---

1 May 2017 to 30 April 2018

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

64th Report of  
the Reviewing Committee



---

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

## Members of the Committee 2017–18

Sir Hayden Phillips (Chair)  
Mr Peter Barber  
Mr Richard Calvocoressi  
Ms Philippa Glanville (appointment expired 1 April 2018)  
Mr Lowell Libson  
Mr Christopher Rowell  
Ms Leslie Webster  
Mr Aidan Weston-Lewis

## Secretary

Mr Peter Rowlands

## Postal Address

Secretary  
Reviewing Committee on the Export of Works  
of Art and Objects of Cultural Interest  
Arts Council England  
21 Bloomsbury Street  
London WC1B 3HF

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

# Contents

---

## Report

Part I	Reviewing Committee Report for 2017–18	11
Part II	Operation of the Control	14

## Individual export cases

### 2017–18

Case 1	<i>The Schmadribach Waterfall near Lauterbrunnen, Switzerland</i> by Joseph Anton Koch	18
Case 2	A Roman figurine of a man wearing a hooded cloak	20
Case 3	A portrait bust, <i>Queen Victoria</i> , by Alfred Gilbert	22
Case 4	<i>Workes (1640)</i> by Benjamin Jonson	24
Case 5	<i>Mae West Lips Sofa</i> , Salvador Dalí and Edward James	26
Case 6	<i>The Rialto Bridge with the Palazzo dei Camerlenghi</i> by Francesco Guardi	30
Case 7	<i>Ehrenbreitstein</i> by Joseph Mallord William Turner	32
Case 8	<i>La Leçon de Piano</i> by Henri Matisse	34
Case 9	George I Palladian baby house	35
Case 10	<i>Images from the Life (The Norman Album)</i> by Julia Margaret Cameron	37
Case 11	<i>The Destruction of Pharaoh's Host</i> by John Martin	40
Case 12	Man's silk/wool doublet	42
Case 13	<i>Lobster Telephone (White Aphrodisiac)</i> , Salvador Dalí and Edward James	43
Case 14	<i>The Head of an African Man Wearing a Turban</i> by Sir Peter Paul Rubens	46
Case 15	<i>Mother and Child</i> by Barbara Hepworth	48

### 2015–16

Case 18	Scottish seal matrix pair	48
---------	---------------------------	----

Full list of plates available at Appendix L, page 72

# Appendices

---

A	Report on additional funding for acquisitions	51
B	History of export controls in the UK	58
C	Terms of reference of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest	60
D	Membership of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest during 2017–18	60
E	List of independent assessors who attended meetings during 2017–18	62
F	Value of items placed under deferral (2008–09 to 2017–18) i) for which permanent licences were issued, and ii) where items were purchased by UK institutions or individuals	64
G	Items licensed for export after reference to expert advisers for advice as to national importance 1 May 2017 to 30 April 2018	65
H	Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, 2008–09 to 2017–18	67
I	Composition of the Advisory Council on the Export of Works of Art and Objects of Cultural Interest	69
J	Further reading	70
K	Membership of the Working Party on Manuscripts, Documents and Archives during 2017–18	71
L	Full list of plates	72

# Reviewing Committee Report for 2017–18

1 May 2017 to 30 April 2018

## Introduction

Every year we are privileged to have a wide variety of objects come before our Committee and this year has been no exception.

Following the Reviewing Committee's recommendation, the Secretary of State put in place temporary export-deferrals for cultural objects ranging from a rare George I Palladian baby house designed to teach the teenage daughters of wealthy families household management – which we are pleased has been acquired by the V&A Museum of Childhood where it will be enjoyed by further generations of children – to a number of iconic Surrealist items. The *Mae West Lips Sofa* (acquired by the Victoria and Albert Museum) and the *Lobster Telephone* (*White Aphrodisiac*) (acquired by National Galleries of Scotland), both Salvador Dalí and Edward James, were part of the most important Surrealist interiors ever created in this country. The Committee also considered a selection of flat art. An elegant and detailed preparatory drawing of the *Schmadribach Waterfall near Lauterbrunnen, Switzerland* by Joseph Anton Koch, discovered by the late art critic Brian Sewell, now resides in The British Museum. One of Francesco Guardi's masterpieces, *The Rialto Bridge with the Palazzo dei Camerlenghi*, demonstrates why he is considered one of the greatest Venetian view painters of the 18th century: Guardi's depictions of sunlight on the Venetian canals and lagoon would go on to inspire future generations of artists, not least Turner. *Ehrenbreitstein* by Joseph Mallord William Turner shows the artist had absorbed Guardi's masterful ability to create atmosphere through his own use of colour and light.

The aggregate value of the 12 cases for which you accepted our recommendation that an export licence be deferred was £61,558,441. These ranged in value from £550 for a tiny hooded Roman figurine – which at 65mm tall could comfortably fit in a matchbox – to £26,796,000 for the Guardi *The Rialto Bridge with the Palazzo dei Camerlenghi*. It is important to note that monetary value is not indicative of national importance and the Committee gives careful and considered thought as to whether the item in front of it potentially meets one, or more, of the Waverley criteria regardless of its price.

Last year we reported that the export licence application for a sapphire-and-diamond coronet designed by Prince

Albert in 1840 for the young Queen Victoria – memorably depicted in her official portrait by Winterhalter in 1842 and later worn to the State opening of Parliament in 1866 – had been withdrawn. Fortuitously, the coronet was later acquired by the Victoria and Albert Museum through the generosity of a private benefactor. We are particularly pleased to note in this reporting period that the monumental marble sculpture bust by Alfred Gilbert, depicting the widowed Queen-Empress at the height of Britain's global influence, has been acquired by the Fitzwilliam Museum. It seems fitting that both these items will be on display to the public in 2019 – the bicentenary year of the birth of both Queen Victoria and Prince Albert.

## Tax-remitted compensating price

Due to the time constraints inherent in the deferral system and the confidential nature of the amount of tax payable on any particular sale, it is important that when cases come before the Committee, this information is either to hand or can be obtained quickly. It is critical for a public museum that it be given this information as soon as it begins the process of trying to raise the funds necessary to make a compensating offer. If there are delays it can prejudice the museum's chances of successfully concluding the purchase, which is why the provision of the estimated net-of-tax price calculation is a precondition of the release of the press announcement which starts the deferral process.

## Independent advice on valuations

It is recognised that in some cases there may be an element of subjectivity in arriving at a market price when an object is not the subject of a recent sale. To assist the Committee in its task, which is to recommend a valuation that is fair and reasonable to the owner and national heritage interests alike, where the value is an estimated price, applicants are required to provide, with their submission, a justification of it by reference to the sale of comparable objects. If we do not agree that the evidence provided justifies the estimated valuation and a value cannot be agreed by all parties, we normally recommend that the Secretary of State seek an independent valuation from valuers with recent market experience in the specific field of the object.

During this reporting year we had one such case, *Images from the Life (The Norman Album)* by Julia Margaret Cameron, where we recommended to the Secretary of State that he seek an independent valuation.

In this case the following process, which we consider as establishing a useful and workable precedent, was agreed:

- once the Secretary of State has agreed the identity of the independent valuer the owner is asked to confirm whether they are content to be bound by that valuer's decision or whether they want to appoint their own independent valuer;
- in either case the letter of instruction to the independent valuer is agreed beforehand by all parties;
- if the owner wants to appoint their own independent valuer, both valuers are advised that the other has been instructed and they are asked to attempt to reach an agreed value;
- if the two valuers fail to agree a value the Secretary of State is asked to appoint a third person to act as an arbitrator (not as an expert) with the Reviewing Committee Secretariat handling this.

### Sales agreed in foreign currencies

Where a sale has been agreed in a foreign currency the practice was for it to be changed to Pounds Sterling (GBP£) using an average of the commercial exchange rate for the date the sale was agreed. In two cases in December 2008, at a time when the pound was weakening, the date used was the date of the case hearing and in other cases the date used has been the date of the export licence application. There is no set rule: given that the export licensing procedure may be an interference with a person's rights in their possessions, each case has to be assessed on its merits, the aim being to adopt the solution that is fairest to the applicant while providing certainty to UK institutions that wish to raise funds to make a matching offer.

### Confidentiality

The Committee has received requests from those involved in the export licensing process for a greater degree of anonymity for buyers where the purchase has not completed but is subject to the granting of an export licence. We would like to emphasise that the Committee's proceedings are confidential and that there is an expectation that confidentiality will be maintained by all parties. The Committee's current policy is that the identity of those involved in the process should normally be disclosed to the full Committee including independent assessors. We are currently reconsidering this policy.

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

We have on a number of previous occasions observed that our export system is designed to strike a balance between protecting our cultural heritage and individuals' property rights. A number of recent cases, such as *Portrait of a Young Man in a Red Cap* by Pontormo, persuaded the Government to take a fresh look at all aspects of the export-deferral process.

A public consultation on 'strengthening the process for retaining national treasures' was launched in December 2018. The consultation outlined proposals to introduce a legally binding mechanism—often referred to as a 'binding offers' mechanism—so that owners of cultural objects found to be national treasures, who had confirmed that they were prepared to sell to a museum or gallery or relevant private purchaser at an agreed fair market price, are legally bound to follow through on their commitment to do so. Respondents were invited to submit their views on these proposals by February 2019.

### Independent assessors, expert advisers and the administration of the system of export control

As in previous years, the permanent Committee members wish to place on record their thanks to the large number of specialists, academics and members of the art trade who so generously give their time, adding to the Committee's depth of expertise by agreeing to join the Committee as independent assessors.

The Committee also wishes to thank the expert advisers for their vital expertise, time and commitment. We appreciate that the preparation and presentation of cases can be time consuming; however, the role they all play is essential to the proper working of the system. We would also like to thank the Department for Digital, Culture, Media & Sport (DCMS), and the Secretariat to the Committee and the Export Licensing Unit at the Arts Council who administer the system on the Secretary of State's behalf.

### **Committee members**

There was one change of membership during 2017–18 with the conclusion of Philippa Glanville’s second four-year term. Her term of appointment expired on 1 April 2018. She is an acknowledged authority on silver and the history of dining, and has been a diligent and dedicated member of the Committee. While her expertise in her field has been invaluable, as a historian she is able to speak meaningfully about a wide range of objects, adding context and depth to the Committee’s discussions and deliberations. We would like to record our great appreciation for her contribution over the last eight years.

A full list of members can be found at the beginning of this report and brief biographies are included in Appendix D.

### **History and operation of the export control system**

A full history of export controls in the UK and their rationale is in Appendix B. The terms of reference of the Reviewing Committee are in Appendix C.

# Operation of the Control

During the period covered by this report  
(1 May 2017 to 30 April 2018):

- There were 10,858 applications for export licences
- 1,682 of these applications were for the export of manuscripts, documents or archives
- The applications covered a total of 40,897 items
- 27,300 items with a value of £1.6 billion (£1,564,927,630.15) were issued with export licences after they had been referred to expert advisers
- 64 Open Individual Export Licences (OIEL) were in operation over this period: a) nine for the export of manuscripts, documents, archives and photographic positives and negatives; b) four for the export of goods over 50 years of age imported into the UK within the past 50 years; c) one for the export of UK origin coins; d) one for the temporary export of a Rolls-Royce, and e) 49 for the temporary export of objects over 50 years of age owned by or under the control of a national institution or an institution holding a designated collection
- 10,534 items with a value of £13.4 billion (£13,438,786,425.30) were issued with export licences after the Export Licensing Unit was satisfied that they had been imported into the United Kingdom within the past 50 years. Of these items with proof of import, 814 were manuscripts, documents or archives, with a total value of £74,709,557.96
- 3,063 items with a value of £3.5 billion (£3,458,051,653.44) were given an EU licence without reference to the question of national importance because they were either: valued at below the appropriate UK monetary limit; owned by a museum or gallery that has an OIEL; manuscripts valued at £1,500 or less or coins valued at £500 or less and the exporter holds a valid OIEL; musical instruments exported for less than six months for use in the course of work by a professional musician; motor vehicles exported for less than six months for social, domestic or pleasure purposes; foreign-registered motor vehicles exported following importation for less than six months for pleasure purposes, or imported into the UK in the last 50 years and being exported on a temporary basis

## Cases referred to the Committee

In 2017–18, 15 cases are being reported, which were considered by the Committee because the appropriate expert adviser had objected to the proposed export on the grounds of national importance. This is a fraction of the items covered by the export licensing system and shows that expert advisers think very carefully before referring cases to us.

The Committee will designate an object as a 'national treasure' if it considers that its departure from the UK would be a misfortune on one or more of the following three grounds, collectively known as the Waverley criteria:

History	Aesthetics	Scholarship
Is it closely connected with our history and national life?	Is it of outstanding aesthetic importance?	Is it of outstanding significance for the study of some particular branch of art, learning or history?
Waverley 1	Waverley 2	Waverley 3



## Items found to be national treasures

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

- Case 1** *The Schmadribach Waterfall near Lauterbrunnen, Switzerland* by Joseph Anton Koch
- Case 2** A Roman figurine of a man wearing a hooded cloak
- Case 3** A portrait bust, *Queen Victoria*, by Alfred Gilbert
- Case 4** *Workes (1640)* by Benjamin Jonson
- Case 5** *Mae West Lips Sofa*, Salvador Dalí and Edward James
- Case 6** *The Rialto Bridge with the Palazzo dei Camerlenghi* by Francesco Guardi
- Case 7** *Ehrenbreitstein* by Joseph Mallord William Turner
- Case 9** George I Palladian baby house
- Case 10** *Images from the Life (The Norman Album)* by Julia Margaret Cameron
- Case 11** *The Destruction of Pharaoh's Host* by John Martin
- Case 13** *Lobster Telephone (White Aphrodisiac)*, Salvador Dalí and Edward James
- Case 14** *The Head of an African Man Wearing a Turban* by Sir Peter Paul Rubens
- Case 15** *Mother and Child* by Barbara Hepworth

## Items found not to be national treasures

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

- Case 8** *La Leçon de Piano* by Henri Matisse
- Case 12** Man's silk/wool doublet

## National treasures referred to the Secretary of State

Twelve cases were referred to the Secretary of State where an announcement was made regarding export deferral.

The aggregate value of the 12 deferred items was £61.6 million (£61,558,440.79)

## Items where the licence application was withdrawn following submission to the Secretary of State

Following submission to the Secretary of State, one case was withdrawn before an announcement was made:

- Case 15** *Mother and Child* by Barbara Hepworth

## Deferred items that were acquired

Of the 12 deferred items, the following seven were acquired by institutions or individuals in the United Kingdom:

- Case 1** *The Schmadribach Waterfall near Lauterbrunnen, Switzerland* by Joseph Anton Koch
- Case 2** A Roman figurine of a man wearing a hooded cloak
- Case 3** A portrait bust, *Queen Victoria*, by Alfred Gilbert
- Case 4** *Workes (1640)* by Benjamin Jonson
- Case 5** *Mae West Lips Sofa*, Salvador Dalí and Edward James
- Case 9** George I Palladian baby house
- Case 13** *Lobster Telephone (White Aphrodisiac)*, Salvador Dalí and Edward James

These had a total value of £3 million (£3,016,978.79), which represents five per cent of the total value of objects that were deferred.

## National treasures that were not saved

Unfortunately, it was not possible to retain in the UK every national treasure that was deferred. Export licences were (or can be) issued for the five items listed below:

- Case 6** *The Rialto Bridge with the Palazzo dei Camerlenghi* by Francesco Guardi
- Case 7** *Ehrenbreitstein* by Joseph Mallord William Turner
- Case 10** *Images from the Life (The Norman Album)* by Julia Margaret Cameron
- Case 11** *The Destruction of Pharaoh's Host* by John Martin
- Case 14** *The Head of an African Man Wearing a Turban* by Sir Peter Paul Rubens

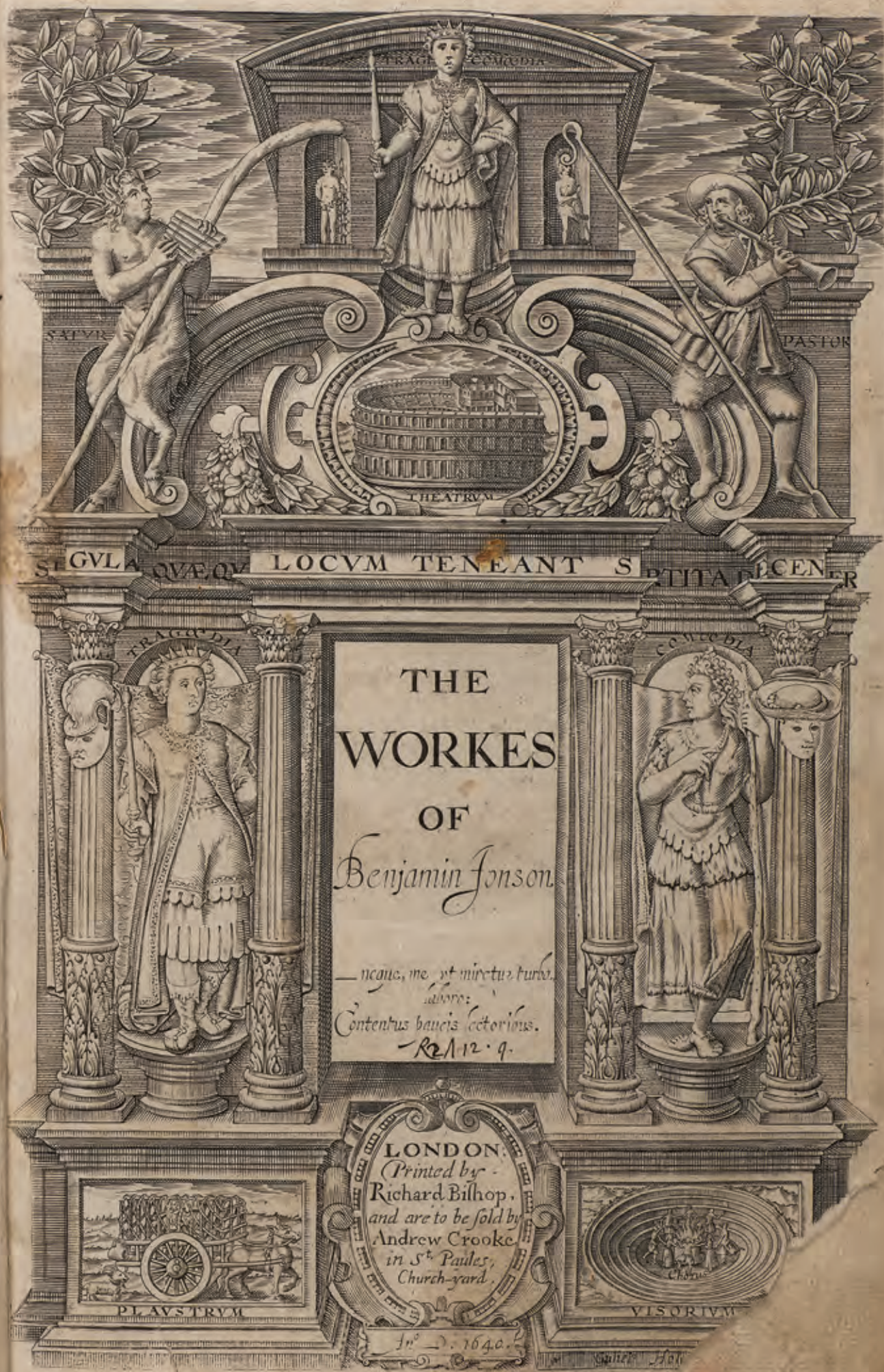
These have a collective value of £58.5 million (£58,541,462), which represents 95 per cent of the total value of objects placed under deferral and 42 per cent of the total number.

# Individual export cases

---



W. Powell yr 7th



THE  
WORKES  
OF  
Benjamin Jonson

— neque, me ut miretur turbo.  
adore:  
Contentus haucis lectoribus.  
R. A. 12. 9.

LONDON:  
Printed by  
Richard Billhop,  
and are to be sold by  
Andrew Crooke  
in St. Pauls  
Church-yard.

In 1640.



# Case 1 *The Schmadribach Waterfall near Lauterbrunnen, Switzerland* by Joseph Anton Koch

Joseph Anton Koch (1768–1839), *The Schmadribach Waterfall near Lauterbrunnen, Switzerland* (recto); a faint sketch of a mountainous landscape (verso). Black chalk, pen and black ink, lightly squared in black chalk, indented for transfer, measuring 44.3cm by 35.8cm. Probably dated 1793.

The applicant had applied to export the drawing to the United States. The value shown on the export licence application was £68,750, which represented the hammer price paid at auction plus the buyer's premium.

The Senior Curator of Paintings, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the drawing under the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of Romantic landscape art and Swiss scenery.

The expert adviser provided a written submission stating that Joseph Anton Koch was one of the most important Romantic landscape artists and pioneered the 'heroic' landscape style. He spent the years 1791–94 working in Switzerland, where he met the English clergyman and literary editor Dr George Nott (1767–1841), who paid him a stipend to study in Italy. In Rome in 1795 he also attracted the patronage of the great collector Frederick Augustus Hervey, Earl of Bristol and Bishop of Derry (1730–1803), who pioneered the rediscovery of 15th-century 'primitives'. Born in Austria, Koch became a leading member of the colony of Northern artists based in Rome, and considered in 1812 that his popularity with British patrons would be sufficient for him to set up practice in England. He spent the years 1812–15 in Vienna before returning to Rome, where he was an influence on the Nazarenes and may have met Joseph Mallord William Turner in 1819. At the end of his life, he also sold drawings to Henry Acland, a friend of John Ruskin. By defining form with greater detail and correctness, and rejecting traditional scenery for mountainous views, Koch reinvented the classical landscape tradition.

The expert adviser stated that the drawing under consideration was the preparatory study, probably made in 1793 directly from the motif, for Koch's most celebrated composition, *The Schmadribach Waterfall near Lauterbrunnen*. Koch's *Schmadribach Waterfall* fundamentally revised the previously



**Plate 1a** *The Schmadribachfall* by Joseph Anton Koch  
© Bavarian State Painting Collections

**Plate 1b and 1c** *The Schmadribach Waterfall near Lauterbrunnen, Switzerland* by Joseph Anton Koch (in situ at The British Museum and front view)

accepted norms of landscape. Seemingly inspired by Albrecht Altdorfer's *Battle of Alexander* (1529, Munich, Alte Pinakothek), he envisaged a panoramic 'world landscape' embodying the entirety of nature's system and man's place within it. Koch's interpretation of Alpine scenery was perhaps more influential on the next generation of European artists than the formulations of Caspar David Friedrich or JMW Turner.

The drawing was of national importance as the preparatory study for the most celebrated landscape of a leading Romantic painter and as a representation of Swiss scenery, so highly regarded by British artists since the 18th century. In his lifetime, Koch was especially popular with British collectors, but few of his works remain in the United Kingdom.

The applicant disagreed that the drawing met the Waverley criteria. Regarding the first Waverley criterion, the applicant stated that until its sale in 2016, the drawing under consideration was unpublished, and its presence in the United Kingdom was unknown to specialists and the broader public. Additionally, Koch was trained in Germany, lived in Rome, never visited Britain, had limited ties with British culture, and was never collected on a significant scale in this country.

Regarding the second Waverley criterion, the applicant stated that the drawing under consideration was primarily interesting for the light it sheds on the artist's working method. The scratchy style of the drawing, made in pen over a



sketch in black chalk, differed considerably from the clarity, regularity and careful execution of the numerous independent drawings in Koch's oeuvre.

Regarding the third Waverley criterion, the applicant stated that the drawing was especially relevant as a work clarifying the genesis of the related watercolour and paintings, none of which were in a British collection. Koch's contribution to landscape painting and drawing was more clearly demonstrated by the drawings in British public collections, especially those in Glasgow and Oxford. Likewise, the prints held at The British Museum were more illustrative examples of his art.

We heard this case in April 2017 when the drawing was shown to us. We found that it met the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of Koch's art, creative process and in

particular for the development and depiction of the concept of the sublime. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £68,750 (plus VAT of £2,750). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the drawing, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention by The British Museum to raise funds to purchase the drawing. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the drawing had been purchased by The British Museum with assistance from Art Fund.



## Case 2 A Roman figurine of a man wearing a hooded cloak

---

A figurine of a man wearing a hooded cloak made of copper alloy, measuring 6.5cm high, 4.8cm wide and 1.7cm thick, weight 65.8g. Unknown maker, probably Romano-British; Roman (AD 43–410). Good condition but incomplete (the lower parts of the legs and arms are missing).

The applicant had applied to export the figurine to France. The value shown on the export licence application was £550, which represented an agreed sale subject to the granting of an export licence.

The Project Curator: Romano-British Collections, Department of Britain, Europe and Prehistory, The British Museum, acting as expert adviser, had objected to the export of the figurine under the first and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected

with our history and national life and it was of outstanding significance for the study of Romano-British costume and the relationship between textual and archaeological sources.

The expert adviser had provided a written submission stating that the copper alloy figure wore a hooded cloak known as the *birrus Britannicus* mentioned as specifically British in the Edict of Diocletian in AD 301. It was extremely unusual for portable art of this period to depict a distinctively British character; figurines were more usually shown wearing a hooded garment of a style common to Gaul and the North Western provinces in general. The province of Britannia was known as an exporter of woollen garments in the wider Roman Empire but the archaeological evidence for this was limited.



---

**Plate 2a** Roman figurine (front view)

---

As a uniquely detailed three-dimensional illustration of the *birrus Britannicus* it was important for research on Romano-British costume. Its nearest comparandum was the (two-dimensional) mosaic depicting a personification of winter at Chedworth Roman Villa. It was also extremely significant for our understanding of the relationship between textual and archaeological sources.

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

We heard this case in May 2017 when the figurine was shown to us. We found that it met the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of provincial Roman costume in the

province of Britannia. We recommended that the decision on the export licence application should be deferred for an initial period of two months to allow an offer to purchase to be made at the fair matching price of £550. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the figurine, the deferral period should be extended by a further two months.

During the initial deferral period, we were informed of a serious intention by Chelmsford Museum to raise funds to purchase the figurine. A decision on the export licence application was deferred for a further two months. We were subsequently informed that the figurine had been purchased by Chelmsford Museum with assistance from a private benefactor.



---

**Plate 2b** Roman figurine (rear view)

## Case 3 A portrait bust, *Queen Victoria*, by Alfred Gilbert

**White marble bust portrait (height 96cm) of Queen Victoria (1819–1901; r. 1837–1901) executed by Alfred Gilbert (1854–1934) from 1887 to 1889. It is signed on the front of the veined marble socle: 'ALFRED GILBERT R.A./FECIT'.**

The applicant had applied to export the sculpture to the United States. The value shown on the export licence application was £1,200,000, which represented an agreed private sale price subject to the granting of an export licence.

The Senior Curator of Sculpture, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the sculpture under the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of Alfred Gilbert's oeuvre and the history of sculpture in Britain.

The expert adviser provided a written submission stating that this monumental, over life-sized white marble bust portrait had the appearance of a highly realistic and closely observed likeness of the monarch.

Gilbert rarely worked in marble; most of his sculptures were made of bronze. The present bust was therefore highly exceptional. Its origins lay however in a statue of bronze, the Jubilee Memorial to the Queen made for Winchester. This was a full-length figure of Queen Victoria, unveiled by her daughter Princess Louise in August 1887. A variant of this, also in bronze, was produced for Newcastle-upon-Tyne, and unveiled there in 1903. The Winchester statue has been likened to some of the great Roman Baroque figures, such as Bernini's tomb of Urban VIII in St Peter's in Rome, which Gilbert would have known well. The full-scale plaster model for the Winchester Queen Victoria was shown at the Royal Academy in the following year, 1888, and was received with great acclaim, Rodin calling it the best monumental figure produced in England. Gilbert had in fact hoped to produce the Winchester portrait in marble, but was unable to do so because the authorities there wanted to display it outside, and so argued that bronze would be more suitable.



The provenance of this marble bust was unbroken. The Army & Navy Club commissioned it from the sculptor in 1887, and it had remained in their possession ever since. Additionally, documents and correspondence recording the vagaries of the commission were held at the London Metropolitan Archives. This great sculpture symbolised the Club's prestige, its pride in its own history, as well as its reverence for the reigning monarch.

The finesse and sensitivity of marble carving seen in this bust, with its range of textures and depth, were virtually unparalleled in 19th-century portrait sculpture. As a likeness of the ageing Queen Victoria this massy bust, a truly monumental work, was a remarkable and acute rendition of her long life as seen in her careworn yet majestic features. Gilbert executed very few marble sculptures, and this work must rank as one of his most significant.

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



---

We heard this case in July 2017 when the sculpture was shown to us. We found that it met the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of Alfred Gilbert, the leading British sculptor of his generation. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £1,200,000 (plus VAT of £240,000). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the sculpture, the deferral period should be extended by a further four months.

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



---

**Plate 3b** A portrait bust, *Queen Victoria*, by Alfred Gilbert (side view)

## Case 4 *Workes* (1640) by Benjamin Jonson

This was a second edition printed book of volume 1 of Ben Jonson, *The Workes of Benjamin Jonson* (first published c. 1620; this edition 1640, published in London by Richard Bishop to be sold by Andrew Crooke) with manuscript annotations. It had been rebound in plain sprinkled calf, probably around 1900. It measures around 30cm by 19cm by 6cm.

The applicant had applied to export the book to the United States. The value shown on the export licence application was £48,000, which represented the price at which the owners had agreed to sell subject to the granting of an export licence.

The Head of Western Heritage, British Library, assisted by Lead Curator, post-1858 India Office Records, British Library, acting as expert adviser, had objected to the export of the book under the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of Benjamin Jonson's plays in performance.

The expert adviser had provided a written submission stating that the significance of the item lay in the extensive near-contemporary manuscript annotations to the play *Epicoene* or *The Silent Woman*. These annotations included stage directions, details of props and textual corrections.

Ben Jonson (1572–1637) was arguably the most important writer of the English Renaissance after Shakespeare. *Epicoene* was one of Jonson's 17 plays; it was written and first performed in 1609–10. Innovative for being a comedy which did not end in a marriage, it was not at first well received but it later achieved great prestige. It was apparently the first play performed after Charles II re-opened the theatres in 1660. Following the Restoration, printed playbooks published before the Commonwealth were mined as a source of theatrical material. Manuscript annotations in the books could shed light on the way that these texts were repurposed for a different age. Only nine copies of pre-Restoration plays were known to preserve theatrical annotations.

The annotated volume was of outstanding significance for the study of English theatre in the 17th century and, in particular, for the study

of Ben Jonson's plays in performance. Previously, there had been no evidence of the preparation of any Jonson play, masque or entertainment for performance. Indeed, material which told us about the performance of any pre-Restoration play was extremely scarce. This volume occupied a unique place among surviving materials because of the nature and range of its annotations, which collectively fell into no category yet known to scholars of 17th-century theatre. A product of a period when plays were seen, not as finished pieces, but as perpetual works in progress, this volume had the potential to change scholars' understanding of how plays were transmitted from the stage to the page, and from the page back again to the stage.

The applicant disagreed that the book met the Waverley criteria. Regarding the first Waverley criterion, the applicant stated that while Benjamin Jonson as a playwright was undoubtedly of national importance, this material, although interesting, related to his posthumous reception. Regarding the second Waverley criterion, the applicant stated that they did not consider the book to be of outstanding aesthetic importance. Regarding the third Waverley criterion, the applicant stated that while it was of certain significance to the study of English theatrical history, the copy was a secondary rather than primary source and consequently not of outstanding significance. Furthermore, it was not a prompt copy and the performance it was intended for was not identifiable. There were numerous other annotated prompt or 'theatrical' copies of post-Restoration printed plays by other authors, including Shakespeare.

We heard this case in September 2017 when the book was shown to us. We found that it met the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of English theatre in the 17th century and, in particular, for the study of Benjamin Jonson plays in performance. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer



**Plate 4a** *Workes* (1640) by Benjamin Jonson  
(spine and inner page spread)



to purchase to be made at the fair matching price of £48,000. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the book, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the book. We were subsequently informed that the book had been purchased by The University of Edinburgh with assistance from the Friends of the National Libraries, the Friends of Edinburgh University Library and the John R Murray Charitable Trust.



confesse, gentlemen, I have a cook, a laundresse, a house-drudge, that serves my necessary humors, and goes under that title: But he's an ass that will be so *scorion*, to tie his affections to one circle. Come, the same dish appeares. Here, replenish againe: another bout. Wives are nasty still with animals.

DAU. O, Captaine.

OTT. Answer the earth bare *trifles* *where*. Where's master TAUX-WIT?

DAU. He's slapt a side, sir.

CLE. But you must drink and be *jestall*.

DAU. Yes, give it me.

LA-F. And me, too.

DAU. Let's be *jestall*.

LA-F. As *jestall* as you will.

OTT. Agreed, Now you shall ha the Beate, cousin, and the *John* DAU the Horse and the Bull. Sound *Trifles* o'the Thames. None of *the* *beasties*, none *poole* *liber*.

MOR. Villaines, murderers, sonnes of the earth, and traitors, what doe you there?

CLE. O, now the trumpets have wak'd him, we shall have his company.

OTT. A wife is a feiry *changeling*, an unlucky thing, a very foresid beate-whelp, without any good fashion or breeding: *mala bestia*.

DAU. Why did you marry one then, Captaine?

OTT. A poxe—I married with sixe thousand pound, I. I was in love with that. I ha' not killt my *fiery* these forty weekes.

CLE. The more to blame you, Captaine.

TRU. Nay, M<sup>r</sup> OTT, heare him a little fir.

OTT. She has a breath worse than my grand-mothers, *professe*.

M<sup>r</sup> OTT. O'reacherous lyar. Kill me, sweete master TAUX-WIT, and prove him a slandering knave.

TRU. I'll rather beleve you Lady.

OTT. And she has a pettrake, that's like a pound of hempe, made up in thousande.

M<sup>r</sup> OTT. O viper, mandrake!

OTT. A most vile fiere! and yet she spends me fourty pound a yeare in mercury, and hoggs-bones. All her teeth were made like Black-Priests: both her eye-browes like *Island*, and her haire in *Silver-scent*. Every part of the woman owes a piece of her.

M<sup>r</sup> OTT. I cannot hold.

OTT. She takes her selfe a slander still when she goes to bed, into some twenty boxes; and about next day noone is put together *again*, like a great German clocke: and so comes forth and rings a tedious larm to the whole house, and then is quiet againe for an houre, but for her quarters. Ha you done me right, Gentlemen?

M<sup>r</sup> OTT. No, fir, I'll do you right with my quarters, with my quarters.

OTT. O hold good Princesse.

TRU. Sound, found.

CLE. A battell a battell.

M<sup>r</sup> OTT. You notorious stinkandly beateward, doe's my breath smell?

OTT. Under correction, deare Princesse: looke to my Beate, and my Horse, Gentlemen.

M<sup>r</sup> OTT. Do I want teeth, and eye-browes, thou bull-dog?

TRU. Sound, found still.

OTT. No, I protest, under correction.

M<sup>r</sup> OTT. I, now you are under correction, you protest: but you did not protest before correction, Sir. Thou Judas, to offer to betray thy Princesse! I'll make thee an example.

MOR. I will have no such examples in my house, Lady OTT.

M<sup>r</sup> OTT. Ah.

MOR. M<sup>r</sup> MARY AMBERE, your examples are dangerous. Rogues, Hell-bounds, *stewards*, out of my doores, you sons of noise and tumult, begot on an ill May-day, or when the Gally-foill is affoate to *regardless*! A rumpeter could not be croce'd, but then!

DAU. What ailes you, Sirs?

MOR. They have rent my roofe, wals, and all my windowes asunder with their brazen throates.

TRU. Best follow him *daughters*.

DAU. So I will.

CLE. Wheres DAU, and LA-FOOLE?

OTT. They are both run away, fir. Good gentlemen, helpe to pacifie my Princesse, and speake to the great Ladies for me. Now must I go by with the Beates this night, and keep out o'the way, till my peace bee made, for this scandal she has taken. Did you not see my Bull head, Gentlemen?

CLE. Is't not on, Captaine?

TRU. No: but he may make a new one, by this time.

OTT. O, here tis. Ah you come over, Gentlemen, and ask for TOM OTT, we'll go down to *hand* and have a course yatch: for all these distillers. There is *house* for left.

TRU. Away, Captaine, get off while you are well, and out of my sight.

CLE. I am glad we are rid of him.

TRU. You had never been, unless we had put his wife upon him. His humour is as tedious at last, as it was ridiculous at first.

OTT. O god, Madam, he came down with a huge long-handled weapon in both his hands, and look'd so dreadfully! Sure he's beside himselfe.

MAY. Why, what made you there mistress OTT?

M<sup>r</sup> OTT. Alas, mistress MAY, I was chastising my subied, and thought nothing of him.

DAU. Faith, mistress, you must do so too. Learne to chastise. Mistress OTT corrects her husband so, he dares not speake, but under correction.

## Case 5 *Mae West Lips Sofa*, Salvador Dalí and Edward James

An upholstered sofa (one of a pair) designed by Salvador Dalí (1904–89) and Edward James (1907–84) in 1938 for Monkton House, West Dean, Sussex, James's country house. Probably made by Green & Abbott, London. Felted wool upholstery with decorative appliqué and wool fringing over a wooden carcass, measuring 79cm high by 202cm wide by 92cm deep.

The applicant had applied to export the sofa to the United States. The value shown on the export licence application was £480,281.56, which represented the hammer price paid by the owner at auction plus the buyer's premium plus artist resale rights.

The Keeper of Furniture, Textiles and Fashion, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the sofa under the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of furniture history as well as the history of design and Surrealist art.

The expert adviser had provided a written submission stating that the sofa was the single most important example of Surrealist furniture ever made in Britain. Its provenance and the circumstances of its creation are exceptional in the annals of modern art and design in Britain. The sofa was not merely a commission, but a genuine collaboration between one of the most important and influential artists of the 20th century and his most significant British patron. The impetus for its creation came from James rather than Dalí and the decorative elements on the sofa related directly to the decoration of the interior of Monkton House. The house, originally designed by Sir Edwin Lutyens in 1902 for James's parents, was renovated by James in the mid-1930s. Assisted by architect Christopher 'Kit' Nicholson (and Hugh Casson) and decorator Norris Wakefield, he created an astounding *mélange* of Victorian, Regency and Surrealist design. Intentionally shocking Surrealist objects and surface treatments filled the spaces and surfaces of the house.

The initial concept of a Mae West Lips Sofa may have arisen in 1936 after the completion of Dalí's gouache *Mae West's Face which May Be Used as a Surrealist Apartment* in 1934–35. Five sofas in total were made, all in 1938: a single sofa in pink satin (Edward James Foundation); a pair in contrasting



**Plate 5a** *Mae West Lips Sofa*, Salvador Dalí and Edward James (side view)

**Plate 5b** *Mae West Lips Sofa*, Salvador Dalí and Edward James (in situ). Elizabeth Whiting & Associates / Alamy Stock Photo

red (seat) and pink (base) felted wool (Brighton Museum and Museum Boijmans Van Beuningen, Rotterdam), and the present black-fringed example and its pair, both made expressly for Monkton (both sold at auction within the last year). This pair was very consciously altered by James from the other versions to make it an integral part of the decoration of his grand project for a Surrealist interior. It was also elongated to give the lips a different appearance. The pair was positioned in the dining room – designed to fit in with black, crocheted pelmets ('like an old Spanish sacristy') and other black-fringed elements, while the red colour was reflected in the (striped) curtains. The fringing was, in James's words, intended 'to look like the embroidery upon the epaulettes of a picador or the breeches and hat of a toreador'.

James's vision of his Surrealist interior remained intact even after his death until when, despite the objections of English Heritage, the 20th Century Society, SAVE Britain and leading architectural critics, the Edward James Foundation sold Monkton and numerous contents rather than attempt to preserve it. The fact that Monkton was now in private ownership may not rule out that this hugely important house could – eventually – be restored and opened to the public, much in the way that, say, Spencer House or Croome Court had once again become accessible to the public after long periods of private ownership and an even more extreme dispersal of their original contents and interior decoration.

The applicant disagreed that the sofa met the Waverley criteria.



With regard to the first Waverley criterion, this work was one of five that were made for James by two different manufacturers in 1938. In their opinion, the sofa was not unique and there were similar and better examples in England.

With regard to the second Waverley criterion, the aesthetic taste manifested by this sofa could be appreciated in the UK through other examples in public ownership. This sofa was one of a pair conceived by Salvador Dalí and Edward James in 1936, and executed by Green & Abbott in 1938, to decorate the dining room at Monkton House. Dalí and James collaborated on the essential design of the *Mae West Lips Sofa*, however it was

James who decided upon the final shapes, and the upholstery treatment of the five examples that he commissioned for his own use. James designed three different interpretations of the sofa, which were produced as two pairs in wool and a single example finished in satin. The condition of the sofa was good for its age but of the three felt appliqué shapes, suggestive of caterpillar larvae, to the seat and backs of both examples, one had been replaced.

With regard to the third Waverley criterion, the sofa was one of five that were made for James by two different manufacturers in 1938. This was an interesting sofa but it was not, in itself, an outstanding object for the study of a particular



---

branch of art, learning or history. Other examples of the design concept remained in the UK and on public view. While the concept of the *Mae West Lips Sofa* was a good example of Dalí's collaboration with James for British Surrealist interior decoration, it was realised and best demonstrated by the pink satin sofa retained by the Edward James Foundation and the red and pink wool example on display in Brighton. Public access to view a *Mae West Lips Sofa* was, therefore, well served by these examples.

We heard this case in October 2017 when the sofa was shown to us. We found that it met the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of furniture history as well as the history of design and Surrealist art. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made





at the fair matching price £480,281.56 (plus VAT of £16,600). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the sofa, the deferral period should be extended by a further three months.

At the end of the initial deferral period, we were informed of a serious intention by the Victoria and Albert Museum to raise funds to purchase the sofa. Although the expression of interest came from the Secretary of State's expert adviser, confirmation was obtained at the time of the objection and at the meeting that the institution with which they were connected was not making enquiries with a view to purchasing or in the process of purchasing the item. A decision on the export licence application was deferred for a further three months. We were subsequently informed that the sofa had been purchased by the Victoria and Albert Museum with assistance from V&A Members, Art Fund and a bequest from Derek Woodman.

**Plate 5c** *Mae West Lips Sofa*, Salvador Dalí and Edward James (front view)





---

**Plate 6** *The Rialto Bridge with the Palazzo dei Camerlenghi* by Francesco Guardi



## Case 6 *The Rialto Bridge with the Palazzo dei Camerlenghi* by Francesco Guardi



**Francesco Guardi (1712–93), *The Rialto Bridge with the Palazzo dei Camerlenghi*, mid- to late-1760s. Oil on canvas, measuring 119.7cm by 204.3cm. Signed 'GUARDI' (lower left).**

The applicant had applied to export the painting to Ireland. The value shown on the export licence application was £26,205,000, which represented the sale price at auction, comprising the hammer price of £23,250,000 plus buyer's premium of £2,955,000, plus VAT of £591,000.

The Director of The National Gallery, assisted by the Associate Curator of Paintings 1600–1800, The National Gallery, acting as expert adviser, had objected to the export of the painting under the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of Guardi's work, Venetian view painting and the study of Grand Tour patronage and taste.

The expert adviser had provided a written submission stating that alongside Canaletto and his nephew Bellotto, Guardi formed part of the triumvirate of great Venetian view painters of the 18th century. He took particular pleasure in rendering the vibrant atmosphere of Venetian light and its dazzling effect

on water. With its gentle fall of afternoon light, masterful colouring and dynamic composition in which a series of gondolas bisect the canal, *The Rialto Bridge with the Palazzo dei Camerlenghi* epitomised Guardi's preference for atmosphere before topographical accuracy. Guardi was much admired in the 19th century for his impressionistic depictions of Venice and the Lagoon, which inspired many generations of artists visiting the city, most especially JMW Turner.

Although there were significant paintings by Guardi in British public and private collections, the ambition, grandeur and magnificence of this rendering of Venice were unsurpassed. This was most especially true following the export of the picture's pendant,

*A View of the Rialto Bridge, Looking North, from the Fondamenta del Carbon*, in 2011.

*The Rialto Bridge with the Palazzo dei Camerlenghi* was one of only six large-scale canvases ever painted by Guardi: all six were conceived as pairs. The only pair of these large-scale canvases that remained together was at Waddesdon Manor, but the enormous Waddesdon canvases are earlier works, darker in tone, and lacking the soaring elegance of the present picture.

*The Rialto Bridge with the Palazzo dei Camerlenghi* was probably acquired in Venice in 1768 by Chaloner Arcedeckne, in whose family it remained for the next 123 years, when it was acquired by Sir Edward Cecil Guinness, later 1st Earl of Iveagh. The picture had an unbroken British provenance stretching back almost 250 years. It was not only its remarkable composition that held value for students and scholars, but also this early provenance, which provided key insights into British collecting practices and Grand Tour taste during the 18th century. Quite simply, no other painting in a UK collection – either public or private – encapsulated Guardi's contribution to the tradition of view painting in the same way as the present picture.

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

We heard this case in November 2017 when the painting was shown to us. We found that it met the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of the development of Guardi, Venetian view painting and the study of Grand Tour patronage and taste. We recommended that the decision on the export licence application should be deferred for an initial period of six months to allow an offer to purchase to be made at the fair matching price of £26,796,000. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further six months.

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

# Case 7 *Ehrenbreitstein* by Joseph Mallord William Turner

**Joseph Mallord William Turner (1775–1851):** *Ehrenbreitstein, or the Bright Stone of Honour and the Tomb of Marceau, from Byron's Childe Harold*, 1835. Oil on canvas, measuring 93cm by 48.5cm.

The applicant had applied to export the painting to the United States. The value shown on the export licence application was £19,283,750 which represented the price at auction (£17 million) plus the buyer's premium (£1,533,750), and a fee of £750,000 which the auction house had agreed to pay to the irrevocable bidder.

The Manton Curator of British Art, Tate Britain, acting as expert adviser, had objected to the export of the painting under the first and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life and it was of outstanding significance for the study of its status as a literary landscape, and as a painting made primarily for engraving.

The expert adviser had provided a written submission stating that while the subject of this painting was European, it linked to our history and national life through the close interest felt by the artist and his circle; the artist's repeat visits to the place depicted; the impact of Byron on its conception and themes; and the network of friends, colleagues, patrons and collectors who had shaped its history and interpretation. The commission from the engraver John Pye, and past ownership by Elhanan Bicknell who intended to leave his collection to the nation, were also significant.

The national importance of this profoundly European subject was in the special meaning it had for Turner and within his circle and for Turner's self-identification in later life as a European as well as a British artist. The present picture is his only painting of Ehrenbreitstein in oil and one of the group of pictures of German subjects dating from the second half of his career.

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

We heard this case in November 2017 when the painting was shown to us. We found that it met the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of its status as a literary landscape, affirming the Romantic association of painting and poetry and in particular the creative relationship between Turner and Byron; and secondly as a painting made primarily for engraving, reflecting on process and reception.

We were not satisfied that the fee of £750,000, payable by the auction house to the irrevocable bidder, was a relevant component that should be taken into account when setting the fair matching price. This was a business decision taken by the auction house and a financial arrangement entered into freely by both parties which mitigated the risk of the painting not selling at auction.

We recommended that the decision on the export licence application should be deferred for an initial period of four months to allow an offer to purchase to be made at the fair matching price of £18,533,750 (plus VAT of £306,750). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further six months.

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







## Case 8 *La Leçon de Piano* by Henri Matisse

---

**This painting by Henri Matisse (1869–1954) is oil on canvas, dates from 1923 and measures 65cm by 81cm.**

The applicant had applied to export the painting to Switzerland. The value shown on the export licence application was £10,798,416.25, which represented the hammer price paid by the owner at auction, plus the buyer's premium, plus artist's resale royalty.

The Curator, International Art, Tate Modern, acting as expert adviser, had objected to the export of the painting under the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for study.

The expert adviser had provided a written submission stating that there was a rich history of British engagement with Henri Matisse's art. *La Leçon de Piano* was acquired by Royan Middleton in 1927, through the recently formed Reid & Lefevre Gallery, on the occasion of the first large-scale exhibition of Matisse's work in Britain. With Mrs R A Workman, Sir William Burrell and Alexander Maitland, Middleton was one of a small but dedicated group of Scottish collectors of avant-garde French and British art that emerged in the early decades of the 20th century.

While Middleton continued to add to his impressive collection, including works by Paul Cézanne, Édouard Vuillard and Amedeo Modigliani, among others, he was also instrumental in bringing French Impressionist and post-Impressionist artists to the attention of the public. He lent works (including *La Leçon de Piano*) to several shows organised by Reid & Lefevre, and it had been frequently exhibited in Britain since 1927. Most recently the painting was on public display at the Aberdeen Art Gallery from 2011–15. The expert adviser stated that it was the best-known painting by Matisse from a UK private collection.

This work belonged to a small group of paintings of the same subject by Matisse, which were painted when the artist had relocated to Nice in the 1920s. *La Leçon de Piano* stood out as the most sophisticated of their number and featured the vibrantly coloured, highly patterned fabrics that were synonymous with Matisse's interior scenes from the period. The shift of focus away from the human figure, onto the architecture of the painting itself, was also a key theme of the Nice paintings.

Works from this decade captured, with remarkable clarity, the painter's creative struggle, illustrating vital connections between the successive stages of the artist's career.

The applicant disagreed that the painting met the Waverley criteria. Regarding the first Waverley criterion, the applicant stated that the work was not closely connected with our history and national life. Painted in France in the late-1920s by a French artist, *La Leçon de Piano* had only ever been in a private collection in the UK. The original owner, Royan Middleton of Aberdeen, was one of the least known British collectors of Impressionist and post-Impressionist art. It was only on loan to Aberdeen Art Gallery for a few years in the early-2010s and had little or no effect on art or culture in the UK.

Regarding the second Waverley criterion, the applicant stated that, painted in 1923, *La Leçon de Piano* dated from Matisse's early Nice period in which he developed a highly decorative style using his immediate surroundings as the setting for interior and exterior scenes. In some of these works the artist used his most important compositional devices from this period, linking interior and exterior via a view of the sea, giving his interiors an uplifting sense of space and atmosphere. The closed, frieze-like composition of *La Leçon de Piano* emphasises the decorative patterns incorporated into the overall design, without the subtle relief granted by an indication of an exterior space.

Regarding the third Waverley criterion, the applicant stated there were currently 21 paintings by Henri Matisse in public institutions in the UK, the majority of which were from the artist's Nice period. The relative obscurity of *La Leçon de Piano* in the artist's oeuvre, and the availability of several other highly important paintings in public collections throughout the UK, led the applicant to believe that this work was not of outstanding significance for study of a particular branch of art, learning or history.

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

## Case 9

# George I Palladian baby house

**This doll's house, or baby house, is a rare and magnificent example from the early-18th century, probably made between 1720 and 1740. It is largely made of mahogany, oak and softwood, with glazed windows, measuring 204cm high by 135cm wide by 67cm deep.**

The applicant had applied to export the baby house to the United States. The value shown on the export licence application was £65,000, which represented the price at which the owner had agreed to sell subject to the granting of an export licence.

The Senior Curator, Furniture and Woodwork, National Museums Scotland, acting as expert adviser, had objected to the export of the baby house under the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of the history and material culture of childhood.

The expert adviser had provided a written submission stating that the item was one of the largest such houses and of real aesthetic merit. The absence of any contents focused attention on its original condition and function. Although the provenance was uncertain, enough was known to place the house within its original social context. It was earlier in date than any baby house in a UK public collection and earlier than most of those known to be in private collections.

The house took the form of a three-storey, five-bay structure with quoins and string courses, on a rusticated basement, with a flat roof, dentilled cornice and balustrade, and with the three central projecting bays supporting a pediment. The small supporting stand was a later addition. The central and side bays were hinged to open as three doors, the central one bearing a lock. The interior contains nine rooms, each with a fireplace. The fireplaces varied to reflect the status and function of each room. The four-pane windows may have been replacements or might have represented casements. There was no record of the furniture and contents of the house, which appeared to have been removed before 1980.

The 17th- and 18th- century baby house was a distinctly different artefact from the 19th- and 20th-century child's doll's house. The concept of the miniature house came to England from the Netherlands and Germany in the early-18th century. Its purpose was to train wealthy teenage girls in household management, although the functional relationship between mothers, daughters and baby houses in England in the 18th century was a complex and evolving one.

The applicant did not comment on whether the baby house met the Waverley criteria.



**Plate 8a** George I Palladian baby house (front view)

---

We heard this case in December 2017 when the baby house was shown to us. We found that it met the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for the study of the history of childhood and its potential for the reappraisal of 18th-century baby houses. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £65,000 (plus VAT of £13,000). We further recommended that if, by the end of the initial

deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the baby house, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the baby house by the V&A Museum of Childhood. We were subsequently informed that the baby house had been purchased by the V&A Museum of Childhood.



**Plate 8b** George I Palladian baby house (front view with doors open)



## Case 10 *Images from the Life (The Norman Album)* by Julia Margaret Cameron

An album containing 75 photographs by Julia Margaret Cameron (1815–79), taken between 1864 and 1869, selected by the photographer and presented by her to her daughter, Julia, and son-in-law, Charles Norman, in September 1869. The album measured 45.9cm by 31.4cm. It was bound in red Morocco and was embossed on the cover with the title 'Mrs Cameron's Photographs from the Life'. Given to Julia Norman (Cameron's daughter) in 1869, it had remained in the possession of the Norman family since that time.

The applicant had applied to export the album to the United States. The value shown on the export licence application was £4,098,361, which represented an estimate.

The Senior Curator, Photographs, Victoria and Albert Museum, acting as expert adviser, had objected to the export of the album under the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of the history of photography and, through her selection of subjects, the broader history of 19th-century art and literature.

The expert adviser had provided a written submission stating that the album was particularly significant since it was made as a gift for Julia, Cameron's daughter, whose gift of a camera introduced Cameron to photography. Arranged in a single sequence from front to back it includes some of her finest and best-known portraits, including Julia Jackson, John Herschel, Alfred Tennyson and Charles Darwin.

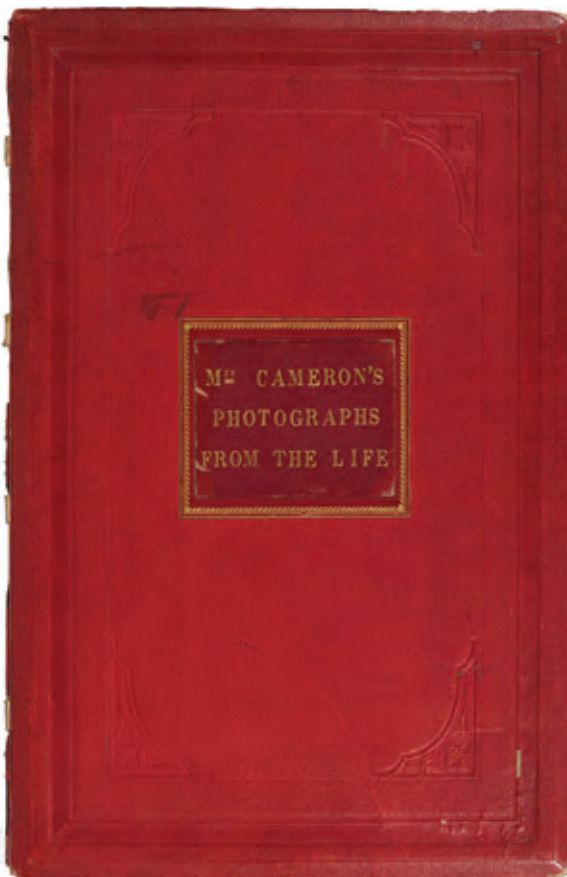
Between 1864 and 1869 Cameron assembled a number of albums for her family, friends and close acquaintances. Cameron embraced the album format, seeing it as an expressive medium which allowed her to present herself and her work as artistic. Each album represented hundreds of hours of work and were assembled with enormous care and considerable thought as to how the images were to be viewed. It was impossible to ascertain exactly how many albums she made but 10 were known to have survived and each was different and designed to be meaningful to the individual recipient.

However, the significance of this album lied not only in its individual photographs but in the album as a whole, representing, as it did, a very personal selection of work chosen and sequenced by the artist herself and intended as a gift for her beloved daughter. Of all the albums compiled by Cameron which were known, this album was arguably the most personal and most important and the individual prints were particularly fine examples.

Of all 19th-century photographers, Julia Margaret Cameron was probably the most widely represented in public and private collections throughout the world.

It was noted that 12 prints in the album were not replicated in UK public collections. The subjects appeared to be predominately family members. The expert adviser was asked how significant it was that these individuals were not prominent 19th-century figures. The expert adviser indicated that Julia Margaret Cameron was unconcerned with portraying social standing in the context of her art and was even-handed in the treatment of her subjects.

**Plate 9a** *Images from the Life (The Norman Album)* by Julia Margaret Cameron (cover view)



---

The applicant did not disagree that the album met the Waverley criteria. They stated in a written submission that there was no doubt that the Norman Album was an item of significance in Julia Margaret Cameron's body of work.

The applicant noted that most of the images and all of the major images in the album were already represented in UK public collections. Furthermore, in addition to the Norman Album, there was another major Cameron presentation album in a private UK collection (the Lindsay Album), so the UK was well supplied with her work in both individual plates and albums.

We heard this case in July 2017 when the album was shown to us. We found that it met the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of the history of photography and, in particular, the work of Julia Margaret Cameron, one of the most significant photographers of the 19th century.

We were, however, unable to recommend a fair matching price and recommended that the Secretary of State should obtain an independent valuation of the album.

The applicant was given the option to agree to be bound by the valuer appointed by the Secretary of State once their identity was known or to appoint their own independent valuer with a view to the two independent valuers agreeing a valuation. In the event that they were unable to agree, the Secretary of State would appoint a third person to act as an arbitrator (not as an expert) by whose decision the parties would be bound. The applicant agreed to this procedure.

The Secretary of State agreed the Committee's recommendation and having been given the identity of the valuer appointed by the Secretary of State the applicant agreed to be bound by their valuation which was £3.7 million and the Secretary of State recommended that as the fair matching price. Having regard to the fair matching price the Committee agreed to recommend to the Secretary of State that the decision on the export licence should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £3.7 million. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the album, the deferral should be extended by a further four months.

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

---

**Plates 9b-j** *Images from the Life (The Norman Album)*  
by Julia Margaret Cameron (inner page details)

Subjects: b) Darwin, c) Browning, d) Tennyson,  
e) subject unknown, f) Julia Jackson, g) subjects  
unknown, h) subjects unknown, i) Herschel,  
j) subjects unknown





Plate 9b



Plate 9c



Plate 9d



Plate 9e



Plate 9f



Plate 9g



Plate 9h



Plate 9i



Plate 9j

# Case 11 *The Destruction of Pharaoh's Host*

## by John Martin

---

**Watercolour by John Martin (1789–1854), *The Destruction of Pharaoh's Host*, signed and dated: 'J. Martin/1836' (lower right). Pencil and watercolour with gum arabic heightened with bodycolour and with scratching out; 58.4cm by 85.7cm.**

The applicant had applied to export the watercolour to the United States. The value shown on the export licence application was £1,475,000, which represented the sterling equivalent of the agreed sale price (\$2 million), subject to the granting of an export licence, calculated at the HM Customs USD/GBP FX rate for the month of October 2017 of 1.3564.

The Keeper, Department of Prints and Drawings, The British Museum, assisted by the Curator of British Drawings and Watercolours, The British Museum, acting as expert adviser, had objected to the export of the watercolour under the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of the history of British art as a pivotal work in the oeuvre of John Martin.

The expert adviser had provided a written submission stating that, although best known for his spectacular oil paintings and the series of mezzotints illustrating *Paradise Lost* and the Bible, with this picture John Martin created the epitome of an 'exhibition watercolour' in the sublime style, intended to stand its own ground in competition with oils on the walls of exhibitions. His work was seen by thousands around the country in his own lifetime and by many more around the world through his prints.

*The Destruction of Pharaoh's Host* was the most spectacular of Martin's works of this type and was an entirely different type of work compared to Turner's more sublime watercolours like *Travellers Caught in a Snowstorm* (The British Museum) or his watercolours of shipwrecks. Turner's were anchored in nature whereas Martin's came entirely

from his imagination and from the style and motifs he had developed in the 1820s in his oils and in the early-1830s in his mezzotints. Here he successfully captured them in watercolour, in an example that had no match in his own work or that of his contemporaries. This was acknowledged by its inclusion in *The Great Age of British Watercolours*, the definitive watercolour exhibition of our age at the Royal Academy in 1993, where it stood out memorably from the rest of the works as an example that was unique in vision and in the medium and style used to achieve it.

This watercolour was developed from one of the key compositions from the artist's mezzotint series, a composition that was described by the *Library of Fine Arts* (January 1834) as 'the finest of the series, the grandest and richest of all'. The mezzotint of *The Destruction of Pharaoh's Host* was hugely well known, admired and influential in its print form. It was the only time he was to develop a mezzotint composition in this way in watercolour, and was thus a pivotal work in his oeuvre and of critical importance in the development of his art.

The applicant disagreed that the watercolour met the Waverley criteria. Regarding the first Waverley criterion, the applicant stated that, like the majority of British watercolours, this John Martin had remained in England since its creation. It had been in a private collection and generally unavailable to the public. It would not be missed, and given the large number of ready substitutes in British collections (see below), its departure could not reasonably be considered a national misfortune.

Regarding the second Waverley criterion, the applicant stated that while the picture was a work of beauty and power it was not of outstanding aesthetic importance. John Martin's work was extraordinarily well represented in British collections, with the best examples of his apocalyptic scenes for which he was famous in Tate Britain, the Laing Art Gallery, the Walker Art Gallery and Southampton City Art Gallery. The applicant suggested that if one were to put this



watercolour in a room of Martin's best works from British collections, it would not stand out.

Regarding the third Waverley criterion, if one was studying any facet of the work of John Martin or his contemporaries, Britain was the place to do it and the departure of this watercolour would not change that. As noted above, the best examples of his work in every genre, format and medium are housed in British public and private collections. This watercolour was an excellent example of Martin's work, but cannot reasonably be considered as of 'outstanding significance' in the field.

We heard this case in January 2018 when the watercolour was shown to us. We found that it met the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of, and reassessment of, John Martin, the most popular artist of his day, dismissed by the

art establishment and ignored for almost a century, whose influence on the development of epic, visionary landscape painting, both in Britain and in America, was now widely acknowledged.

We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £1,509,102. This represented the agreed sale price converted to Pounds Sterling at USD/GBP FX rate (xe.com) on the date of the meeting of 1.3252911. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the watercolour, the deferral period should be extended by a further four months.

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

**Plate 10** *The Destruction of Pharaoh's Host* by John Martin. Digital image courtesy of the Getty's Open Content Program.



## Case 12

# Man's silk/wool doublet

---

**A man's silk/wool doublet, c. 1660–65, by an unknown English tailor, measured 95cm across the chest and 45cm in length overall. Made of a textile consisting of watered silk and wool, it is structurally sound and unmarked; however, the silk lining is fragile.**

The applicant had applied to export the doublet to Chile. The value shown on the export licence application was £25,000, which represented an estimated value.

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

The expert adviser had provided a written submission stating that it was a finely tailored garment with panned sleeves, and that it was rare, unique and essential to the history of English dress and the scholarship of English tailoring. Until the 1670s, every man in England would have had at least one doublet and anyone above the rank of gentleman owned many such items. Probate inventories from this period demonstrated that even a poor labourer had two 'dublettes' in his wardrobe and the diary of Samuel Pepys recorded the acquisition of new ones in the latest style and most fashionable textiles. The study of dress history attempts to communicate the richness and variety of both 'ordinary clothing' as well as the fashions of the elite. Only six doublets have survived in Britain to represent a whole decade of men's dress. The 1660s, like the decades of the 1640s and 1650s, were poorly represented in terms of men's clothing.

The 'Mansel-Pleydell doublet' represented the final stylistic form of a garment that had a long history in the male wardrobe. Evolving from a plain, protective arming garment to fashionable dress made of luxurious and lavishly embellished fabrics, the doublet was part of every Englishman's dress from the late-15th century to the late-17th century. A doublet, cloak and breeches formed the

'three-piece suit' of this era. By 1670, the doublet had vanished from the fashionable wardrobe in England and this example was a rare representation of the last version of this type of garment.

The expert adviser explained that it was impossible to study the history of 17th-century tailoring without the original clothing. Like other trades, tailoring was learned by apprenticeship and then guild membership. Furthermore, there was very little literature on tailoring until the end of the 18th century. Limited literacy among tailors and, more importantly, the necessity of preserving trade secrets, meant that few tailors published details of how clothes were made. Furthermore, because all garments were bespoke and hand-sewn, no two were ever the same, unlike modern ready-made clothes.

The applicant disagreed that the doublet met the Waverley criteria. Regarding the first Waverley criterion, the applicant argued that the doublet was not a part of a collection of great historic significance and that the English provenance was not certain. It was not definitively known when the doublet entered into the Mansel-Pleydell family's collection.

Regarding the second Waverley criterion, the doublet was a fine and attractive garment but the applicant did not believe it could be argued that it was of outstanding aesthetic importance and lacked any special or sophisticated workmanship. There were many other 17th-century textiles in public collections in the United Kingdom which were of finer workmanship and which could be better described as aesthetically outstanding.

Regarding the third Waverley criterion, the applicant accepted that the doublet was a rare survival from the mid-17th century, but did not believe it was outstandingly important as an object of study in the United Kingdom as it would not add considerably to the resources already available.

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

# Case 13 *Lobster Telephone* (*White Aphrodisiac*), Salvador Dalí and Edward James

Salvador Dalí (1904–89) and Edward James (1907–84), 1938. Painted plaster, metal and Bakelite found object (telephone), measuring 19cm by 31.7cm by 16cm.

The applicant had applied to export the telephone to Hong Kong. The value shown on the export licence application was £853,047.23, which represented the hammer price at auction plus the buyer's premium and artist resale royalty.

The Head of Displays, Tate Modern, acting as expert adviser, had objected to the export of the telephone under the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of the history of Surrealism in Britain.

The expert adviser provided a written submission stating that *Lobster Telephone (White Aphrodisiac)* was arguably the most successful of the Surrealist objects ever produced. The Surrealists wanted to generate astonishing new realities by juxtaposing unrelated objects, and the formal similarity of this pairing pointed to their functional divergence. It was conceived by Salvador Dalí and his British patron Edward James. Dalí was reported to have made a version as early as 1935, but the work under consideration resulted directly from James's documented purchase of plaster lobsters in July 1938.

Alongside the formation of his art collection, James's conception of the domestic environments in his residences at Wimpole Street, London, and West Dean, Sussex, exemplified his response to Surrealism, and *Lobster Telephone* represented the quintessential *surrealisation* of an everyday object in this context. The 11 plaster lobsters that he commissioned were either painted red or, as in the *Lobster Telephone (White Aphrodisiac)* under consideration, remained white and were varnished. The red versions were subsequently mounted on black telephones and white versions on white telephones. The resulting assemblages have been widely discussed and exhibited.



This was an object that is highly significant to the history of taste in Britain. Surrealist influence was felt most emphatically at the moment of the International Exhibition of Surrealism in London in 1936. James, who had become close friends with Dalí in 1934, was – with Roland Penrose and Herbert Read – among the British intellectuals most engaged with its ideas. The *Lobster Telephone* series is emblematic of the collaboration of Dalí and James, which was at its height in 1936–39.

Surrealism was one of the most influential currents in 20th-century culture, creating iconic work of very significant aesthetic value. The impetus for *Lobster Telephone (White Aphrodisiac)* provided by Dalí reinforced this assessment, as it embodied the flair that marked him out as one of the most inventive artists of the century. His ability to conjure astonishment from ordinary situations came to maturity during the period when *Lobster Telephone* was conceived so that, with the closely associated *Mae West Lips Sofa* (also made with James), it came to stand for Surrealism.

*Lobster Telephone* was of significant scholarly interest to the history of Surrealism in Britain. Much still needed to be uncovered about both Dalí and James, and their collaborations, as well as the production of this particular work. That this was rooted in Britain had the potential to cast a sharper light on a crucial period locally, nationally and internationally.

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

**Plate 11a** *Lobster Telephone (White Aphrodisiac)*, Salvador Dalí and Edward James

---

We heard this case in February 2018 when the telephone was shown to us. We found that it met the first, second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was so closely connected with our history and national life, it was of outstanding aesthetic importance and it was of outstanding significance for the study of the history of Surrealism, taste and design in the UK. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £853,047.23 (plus VAT of £29,000). We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the telephone, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to raise funds to purchase the telephone by a UK institution. A decision on the export licence application was deferred for a further three months. The original UK institution was unable to proceed with the acquisition; however, we were subsequently informed that the telephone had been purchased by National Galleries of Scotland with assistance from Art Fund and the Henry and Sula Walton Fund.



---

**Plate 11b** *Lobster Telephone (White Aphrodisiac)*, Salvador Dalí and Edward James (detail)





## Case 14 *The Head of an African Man Wearing a Turban* by Sir Peter Paul Rubens

**Peter Paul Rubens (1577–1640), *The Head of an African Man Wearing a Turban*. Oil on paper, laid down on panel, measuring 54cm by 39cm (excluding a modern strip of paint of approximately 8cm in width that has been added at left).**

The applicant had applied to export the painting to the United States. The value shown on the export licence application was £7,722,604, which represented the Pounds Sterling equivalent of the agreed sale price (\$10,000,000) subject to the granting of an export licence for permanent export.

The Director of The National Gallery, assisted by the Curator of Dutch and Flemish Paintings 1600–1800, The National Gallery, acting as expert adviser, had objected to the export of the painting under the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of Rubens' artistic practice.

The expert adviser had provided a written submission stating that the oil sketch depicted the head of an African man wearing a turban. It was almost entirely painted in shades of brown set off by striking accents and highlights in white denoting the turban and some of the facial features, while there were some small but judiciously placed accents in bright red. The work was painted on a paper support which was previously used for a list of accounts, written in Italian. The artist turned the paper 90 degrees and prepared it with a light pink-brown ground before painting his sketch. The sketch served as preparatory to the head and turban of the African Magus in Rubens' *Adoration of the Magi* in the Museo Nacional del Prado in Madrid, originally painted in 1609 and reworked by the artist 20 years later. It was an example of Rubens' practice of preparing his works with the help of sketches, often carried out in oil on panel. Unusually, the work under consideration was in the technique of oil on paper.

The sketch was likely to have been painted after a live model, which made it among the relatively rare 17th-century examples of a work recording the features of an African man in Europe, even if we did not know his identity. The subject matter was also significant in the sense that the presence in a public collection of a work such as this could help enhance a sense in society of a shared heritage and could boost a commitment to serving diverse audiences.

While there was a remarkable array of more than 30 Rubens oil sketches in the United Kingdom, very few were in the technique of oil on paper and not many showed as direct and close-up a study of a live model. Rubens certainly painted other studies of heads that he subsequently used in larger compositions, but they were almost always on panel and rather smoother and finished in execution than the work under consideration. None of them depicted an African man. In its immediacy and assured handling of paint, *The Head of an African Man Wearing a Turban* must have counted as one of Rubens' most extraordinary oil sketches and its addition to a UK public collection would have significantly strengthened the presence in this country of his oil sketches.

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

We heard this case in February 2018 when the painting was shown to us. We found that it met the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance, firstly, for art historians as a fascinating and unusual document of the working practice of Rubens and as a testimony to his interest in the depiction of African people; and, secondly, for historians concerned with the interrelations of cultures in the early-17th century. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £7,695,860. This represented the price at which the owner had agreed to sell subject to the grant of an export licence converted to Pounds Sterling at USD/GBP FX rate (xe.com) on the date of the sale agreement of 1.2994. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the painting, the deferral period should be extended by a further six months.

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





**Plate 12** *The Head of an African Man Wearing a Turban*  
by Sir Peter Paul Rubens. Digital image courtesy of the  
Getty's Open Content Program.

## Case 15 *Mother and Child* by Barbara Hepworth

---

On 18 April 2018, we considered an application to export a sculpture by Barbara Hepworth (1903–75), *Mother and Child*. We concluded that the sculpture satisfied both the second and

third Waverley criteria. The application for an export licence was subsequently withdrawn so consequently no decision on the application was announced by the Secretary of State.

## Case 18 (2015–16) Scottish seal matrix pair (formerly known as Medieval King Robert the Bruce of Scotland and Dunfermline Abbey Cokete seal matrix pair)

---

**A two-part cocket (or cokete) seal matrix of the Abbey of Dunfermline, formed of an obverse and a reverse matrix, within a presentation box. Matrices made of copper alloy (identified as brass); box made of wood. Each matrix is 55mm in diameter, weight 337g. Unknown maker and date.**

The applicant had applied to export the seal matrix pair to the United States. The value shown on the export licence application was £151,250, which represented the hammer price paid by the owner at auction plus buyer's premium.

An application to export the seal matrix pair was initially considered by the Committee on 18 November 2015. The Curator, Late Medieval Europe Collections, The British Museum, acting as expert adviser, had objected to the export of the seal matrix pair under the first and third Waverley criteria on that the grounds that its departure from the UK would be a misfortune because it was closely connected with our history and national life and it was of outstanding significance for the study of medieval history and seal matrices. The Committee recommended that the seal matrix pair met the first and third Waverley criteria on the grounds that it was of great value for the study of medieval goldsmiths' work and sigillography and the re-establishment of Scottish institutions under Robert the Bruce. We recommended that the decision on an export licence should be deferred for an initial period of three months and that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the seal matrix pair, the deferral period should be extended by a further three months. The Secretary of State placed a temporary

export bar on the seal at a recommended price of £151,250 on 22 March 2016. The export-deferral process was suspended to allow for new information to be considered. Subsequently, the Secretary of State requested that the Committee provide further advice. The Committee met on 11 January 2017 to further consider the application to export the seal matrix pair.

The expert adviser had revised their previous objection to the export of the seal matrix pair but continued to propose that the seal matrix met the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for study of Scottish antiquarianism and sillography.

The expert adviser had provided a written submission stating that the seal matrix pair 'was used by local officials for collecting customs duties for the crown' (Harvey and McGuinness, 1996, p.41). The matrices had previously been associated with the reign of Robert I King of Scotland (r. 1306–29), known as Robert the Bruce. A cocket seal for the Regality of Dunfermline was commissioned by Robert I on 10 July 1322. However, there were no known surviving impressions or casts taken from this seal matrix and therefore no evidence for what it looked like. As a result, the matrices under consideration could not be confidently associated with Robert I's commission of a cocket seal.

The seal matrices were reportedly discovered in 1809 by JG Dalryell who wrote that he found two cocket seal matrices at Dunfermline with a Rev Fernie which he deposited with the Faculty of Advocates, Edinburgh. From 1809 these matrices were kept and displayed in the Faculty of Advocates



Library, founded in 1682. Located in Edinburgh, the Faculty of Advocates and its Library were at the heart of the growth in Scottish antiquarianism, in which many of its members played a leading role. The significance of the matrices arises from their association with the antiquarian figures who discovered, collected and studied these objects in the 19th century, during which time they were widely published and formed part of the fledgling study of Scottish seal matrices and seals.

Scientific analysis of the seal matrices was undertaken at The British Museum to investigate their composition and manufacture. This revealed some evidence of casting on the reverse matrix, and that both had a similar metal content which was consistent with a date earlier than the late-19th century. The XRF analysis was carried out on uncleaned surfaces, and in a constrained time period, so should be regarded as semi-quantitative only. When asked how the analysis compared with that of other medieval seal matrices, the expert confirmed that as extremely few medieval seal matrices have been the subject of scientific investigation, there is no body of comparable analyses against which these results can be assessed.

On the evidence available, inconclusive as it was, the seal matrices may be considered to have had considerable value on the grounds of antiquarian interest. There was strong documentary and physical evidence which demonstrated the great importance these matrices had to the study of Scottish history.

The applicant did not wish to give a further written response or add to the report of the expert adviser.

We heard this case in January 2017 when the seal matrix pair was shown to us. The Committee agreed that it was not possible to confirm or discount the possibility that the seal under consideration was a medieval object, commissioned by Robert the Bruce on 10 July 1322. The lack of a corpus of comparable objects, impressions or casts which date from before the seal matrix's rediscovery in the 19th century and the inconclusive nature of the scientific analysis undertaken by The British Museum made confident association with Robert the Bruce's commission for Dunfermline Abbey impossible. We found that it met the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding



**Plate 13** Scottish seal matrix pair

significance for the study of sigillography and Scottish antiquarianism. We recommended that the decision on the export licence application should be deferred for an initial period of three months to allow an offer to purchase to be made at the fair matching price of £151,250. We further recommended that if, by the end of the initial deferral period, a potential purchaser had shown a serious intention to raise funds with a view to making an offer to purchase the seal matrix pair, the deferral period should be extended by a further three months.

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

# Appendices

---



# Appendix A

## Report on additional funding for acquisitions

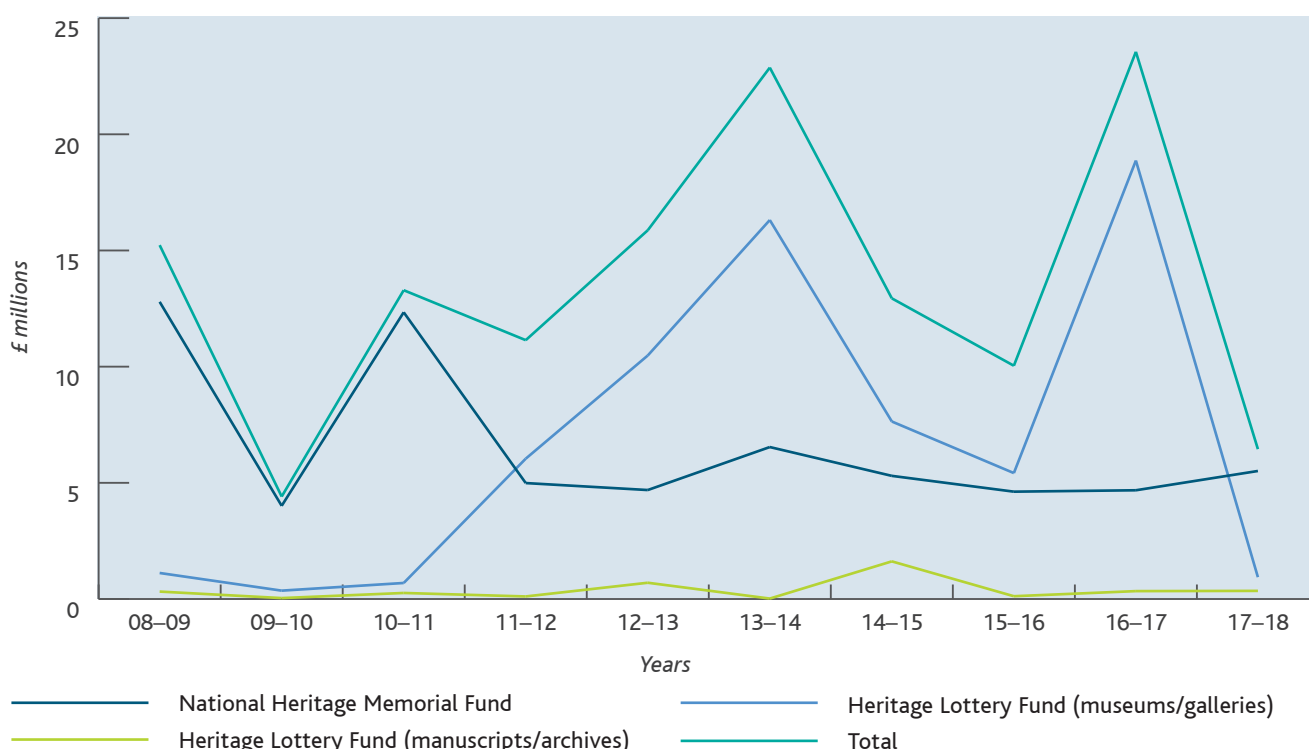
UK public institutions, regrettably, have very limited acquisition funds. We are extremely grateful, as always, for the external funding provided towards purchasing items placed under deferral as a result of recommendations we have made. The money provided by the main funding bodies for all acquisitions of cultural objects is listed below, and the tables in Appendix H give specific details of the funding received for export-deferred items.

Year	National Heritage Memorial Fund (£ millions)	Heritage Lottery Fund (museums /galleries) (£ millions)	Heritage Lottery Fund (manuscripts /archives) (£ millions)	Total (£ millions)	Total adjusted for inflation as per 2018 (£ millions) approximate*
2008–09	13.79	1.12	0.32	15.23	20.07
2009–10	4.01	0.36	0.04	4.41	5.55
2010–11	12.34	0.69	0.26	13.29	15.91
2011–12	4.99	6.04	0.11	11.14	12.92
2012–13	4.69	10.48	0.70	15.87	17.87
2013–14	6.54	16.31	0.019	22.87	25.15
2014–15	5.30	7.64	(1.62)	12.94	14.09
2015–16	4.62	5.42	(0.12)	10.04	10.75
2016–17	4.68	18.87	(0.34)	23.55	24.34
2017–18	5.51	0.91	0.35	6.77	6.77

\* Figures based on the Bank of England Inflation Calculator for illustrative purposes only:  
<https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator>

Please note from 2014–15 until 2016–17 the HLF funding museum/galleries is reported as inclusive of funding for manuscripts/archives

## National Heritage Memorial Fund and Heritage Lottery Fund<sup>1</sup> spend (£ millions) on acquisitions 2008–09 to 2017–18



## Main funding bodies

### i) National Heritage Memorial Fund

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

NHMF has funded one export-stopped item this year: the Fitzwilliam Museum acquired a remarkable marble bust of Queen Victoria by Sir Alfred Gilbert. Having been displayed in The Army & Navy Club, London, since its completion in 1889, the bust will continue to have a prominent public presence in the galleries of the Fitzwilliam.

Outside export-stopped items, NHMF continued to fund across a broad variety of heritage. It supported the acquisition of three extraordinary treasure finds: the Galloway Hoard, an internationally significant hoard of Viking Age artefacts was acquired by National Museums Scotland; a Bronze Age torc, remarkable for its size, was acquired by Ely Museum, and a set of high-status Anglo-Saxon grave goods went to Norfolk Museums.

Artworks secured for the nation included two by the British artist Eric Ravilious. His watercolours *Beachy Head* and *Two Women in a Garden* are now permanently held in the collections of the Towner and Fry Art Galleries respectively. Another art acquisition was an outstanding portrait of Dylan Thomas. This popular portrait was on long-term loan to the National Portrait Gallery, but has now become part of its nationally important collections.

NHMF also funded an extraordinary archive, the Clark collection of DH Lawrence. This eclectic collection of the author's correspondence, notebooks, artworks and personal possessions had been on loan to the University of Nottingham for over 20 years. It will now remain a part of the University's designated Lawrence collection. Details of awards for the acquisition of export-deferred items are in Appendix H (page 67).

### ii) Heritage Lottery Fund

The Heritage Lottery Fund (HLF) is the largest funder of the UK's heritage. As in previous years, there has been a spread of acquisitions across portable heritage from archives and fine art/sculpture through to archaeology.

The Heritage Lottery Fund did not support any export-stopped items this year.

The largest award made for an acquisition in 2017–18 was £350,000 to the National Library of Scotland to

<sup>1</sup> The Heritage Lottery Fund (HLF) is now known as the The National Lottery Heritage Fund (NLHF).

---

acquire a collection of 14,000 photographs, dating from photography's earliest days. Remarkable in its breadth and historic interest, the collection depicts Scots at work and at play. The library, in partnership with National Galleries of Scotland, will digitise the photographs, and make them widely accessible.

Grayson Perry's humorous comment on wealth and taste, the ceramic *Posh Art*, was acquired by the Victoria Gallery in Bath with the aid of a grant from HLF. It is to become an integral part of their learning programme and a contemporary link with their more classic collection of ceramics.

Ditchling Museum has acquired an unparalleled collection of books, pamphlets and posters produced by the St Dominic's Press in the 1920s and 1930s; the press was originally located in Ditchling, Sussex. Thanks to a HLF grant, the collection has been preserved and will be cared for and freely available for public display, research and learning.

### iii) Art Fund

Art Fund is the national fundraising charity for art, helping to increase the range and quality of art in public collections across the UK. In 2017–18, Art Fund offered support towards the acquisition of three items placed under temporary deferral. These were *The Schmadribach Waterfall* by Joseph Anton Koch, and *Mae West Lips Sofa* and *Lobster Telephone (White Aphrodisiac)*, both Salvador Dalí and Edward James. Details are in Appendix H.

### iv) ACE/V&A Purchase Grant Fund

The Arts Council England/V&A Purchase Grant Fund assists the collections of non-national museums, galleries, specialist libraries and record offices in England and Wales. The fund was not asked to support any export-deferred items in the reporting year.

### v) National Fund for Acquisitions

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

In 2017–18, the NFA made 48 payments totalling £129,085, enabling 29 organisations to make acquisitions with a total purchase value of £367,740. At 31 March 2018, a further 13 grants with a total value of £43,483 had been committed but not yet paid.

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

### vi) Acceptance in Lieu and the Cultural Gifts Scheme

Both these schemes bring important works of art, heritage objects, manuscripts and archives into public ownership. In 2017–18, 44 cases were completed, resulting in almost £40 million-worth of important cultural property being secured for the nation. Details of the schemes and the property acquired under them are in the Acceptance in Lieu and Cultural Gifts Scheme 2017–18 Annual Report, available on the Arts Council England website.

### vii) Private treaty sales

If a heritage object is sold on the open market, the vendor may be liable to Capital Gains Tax and Inheritance Tax. However, these tax charges are not incurred if an owner sells the object by private treaty to a body (for example, a museum or gallery) listed under Schedule 3 to the Inheritance Tax Act 1984. Qualifying heritage objects include any previously granted conditional exemption or an item which would qualify as of pre-eminent importance. This dispensation was extended in April 2009 to Corporation Tax on companies' chargeable gains. This is an advantageous arrangement because a public collection will need to raise less purchase funds than would have been paid under normal arrangements to the extent of a proportion of the tax (usually 75 per cent) that would otherwise have been chargeable. As an incentive to vendors to offer qualifying heritage objects first to British public collections, the remaining proportion of the tax (usually 25 per cent) that would otherwise have been chargeable may be retained by the vendor.

Schedule 3 to the Inheritance Tax Act 1984 lists those museums which are able to benefit from a 'douceur' when acquiring works of art that are subject to either Inheritance Tax, Capital Gains Tax or Corporation Tax on sale.

---

## Advisory Council on the Export of Works of Art and Objects of Cultural Interest

Many different branches of art and learning have an interest in the export of cultural objects and all the issues associated with it, as do many different UK institutions. They cannot all be represented on the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, but their knowledge and advice is valuable. The original Waverley Committee therefore recommended the creation of a widely representative Advisory Council, which would meet from time to time, as circumstances might require, to discuss matters of common interest and the operation of the system as a whole. It was envisaged that the Council would advise whether the right standards were being applied to the different categories of objects, as well as enabling institutions (not least regional ones) and the art trade to make their views known.

Members of the Council include the expert advisers who refer objects to the Reviewing Committee (and are normally appointed by the Secretary of State for Digital, Culture, Media & Sport as 'champions' for their retention when the decision on the export licence is deferred), as well as representatives of the institutions seeking to acquire deferred items, of grant-making bodies, of the art trade and of interested associations (see Appendix I for full details).

The Advisory Council is normally convened annually and met most recently on 14 June 2018. The main focus of this year's meeting was the responsibility of national museums in the age of Brexit. The Council also considered the draft policy section of the Reviewing Committee's Annual Report for 2017–18. Its comments have been fully considered and are reflected in this text.

## Manuscripts, documents and archives

The Working Party on Manuscripts, Documents and Archives is a sub-committee of the Reviewing Committee. Its terms of reference were revised in 2005 and are as follows:

'To consider the present arrangements for the export control of manuscripts, documents and archives, and the sources of funds available (to UK institutions) for their acquisition and to make recommendations resulting from this consideration.'

For membership of the Working Party on Manuscripts, Documents and Archives, see Appendix K.

The Working Party usually meets annually, although it may meet more frequently if necessary. It met most recently on 21 May 2018 when it considered requests

for and the retention of copies by expert advisers; and items that are found to meet the Waverley criteria but for which there are no matching offers. The Committee also expressed deep concern about the funding of local government archives and the effect this had on their ability to identify and acquire significant items, and catalogue existing collections. This could have grave consequences for the preservation of the national and of local heritages.

The Working Party then looked at sources of financial help for the acquisition of manuscripts, documents and archives. Written reports had been submitted by the ACE/V&A Purchase Grant Fund, the PRISM Fund, the Friends of the National Libraries, the Secretary of the Acceptance in Lieu Panel and The National Archives sales catalogue monitoring service. The Heritage Lottery Fund and National Heritage Memorial Fund provided details of funding towards archival and manuscript material.

### i) ACE/V&A Purchase Grant Fund

During 2017–18, the Arts Council England/Victoria & Albert Purchase Grant Fund considered 25 cases in respect of manuscripts, documents and archival photographs, and offered 20 grants totalling £74,359, enabling purchases amounting to £523,440 to go ahead. Items purchased ranged from Lantern slides of the construction of Beachy Head Lighthouse 1900–02, bought by the East Sussex Record Office in Brighton, to a manuscript treatise on the Doctrine of the Two Covenants and Original Sin c. 1660, which was acquired by Lambeth Palace Library.

### ii) PRISM Fund

The PRISM Fund supported the acquisition and conservation of material relating to all fields of the history of science, technology, industry and medicine. The PRISM fund was retired in 2018 and the 2017/18 grants represent the last year of PRISM projects. During 2017–18, one grant was made towards the acquisition and conservation of archival or similar material, totalling £10,300.

### iii) Friends of the National Libraries (FNL)

The FNL assists various institutions primarily by promoting the acquisition of rare books, manuscripts, fine bindings and records of historical, literary, artistic, architectural and musical interest. In 2017 the Friends made or committed 44 grants, totalling over £229,000; over £130,000 of this was awarded to university libraries, county record offices and smaller institutions.

The largest grants, of £20,000 each, were made to Lincolnshire Archives for the Monson Papers, and to Doncaster Archives for the manor court rolls of the lordship of Conisbrough. Edinburgh University Library was awarded £18,000 towards a copy of the first volume of Ben Jonson's *Workes* (2nd edn., 1640), with extensive



---

contemporary annotations, judged by the Reviewing Committee on the Export of Works of Art to be of outstanding importance under the Waverley criteria.

#### **iv) Heritage Lottery Fund and National Heritage Memorial Fund**

In 2017–18, the Heritage Lottery Fund (HLF) committed £911,600 to the archives sector for the acquisition and conservation of manuscripts and documents, while the National Heritage Memorial Fund (NHMF) committed £1,140,702 over the same period. The recipients of the HLF and NHMF grants ranged from the British Library for their acquisition of the Mostyn Psalter-Hours to the National Galleries and National Library of Scotland acquisition of 14,000 photographs from the Murray MacKinnon Collection.

#### **v) Acceptance in Lieu**

The Acceptance in Lieu (AIL) and Cultural Gifts Scheme (CGS) are also important means of retaining archival material within the United Kingdom. During 2017–18, there were nine offers accepted via the AIL mechanism and one gift through the CGS which were either archives or contained archival material. Items accepted ranged from the personal and professional archive of Lord (Richard) Attenborough and 22 autograph letters signed by Mohandas Karamchand Gandhi (known as Mahatma Gandhi) to the archive of British Brutalist architect Sir Denys Lasdun and the archive of Poet Laureate Robert Bridges.

Information on all works of art and the archives accepted in lieu in 2017–18 can be found on Arts Council England's website at [www.artscouncil.org.uk](http://www.artscouncil.org.uk).

#### **vi) The National Archives sales catalogue monitoring service**

The sales catalogue monitoring service, among its other functions, notifies repositories when manuscripts and archives become available for acquisition through public sales. This service is greatly valued by repositories and the Working Party commends the assistance it gives them. In 2017–18, 90 items were purchased by 57 different repositories as a result of notifications. However, there were 23 unsuccessful bids as repositories were outbid or dealers had already disposed of stock.

The Working Party strongly endorses the work of these funds, schemes and services, and expresses its thanks to the advisers and administrators of all of them, who work hard, often at very short notice, to enable applicants to acquire material. It noted that the national endorsement they provide to local institutions is often as valuable as the financial assistance given.

**Table 1**

The statistics below show the figures for the number of cases from 2008–09 to 2017–18.

(1) Year	(2) Cases considered by the Committee	(3) Cases where a decision on the licence application was deferred	(4) Cases in (3) where items were not licensed for permanent export	(5) Cases where items were not licensed for permanent export as % of (3)	(6) Value (at deferral) of cases in (4) where items were not licensed for permanent export (£m)	(7) Cases in (3) where items were licensed for permanent export	(8) Cases where items were licensed for permanent export as % of (3)	(9) Value of items in (3) (at deferral) licensed for export (£m)
2008–09	22	16	9	56	1.5	7	44	14.2
2009–10	14 <sup>1</sup>	13 <sup>2</sup>	7	54	10.1	6	46	60.8
2010–11	18 <sup>3</sup>	14 <sup>4</sup>	7	50	5.9	7	50	65.8
2011–12	11	7	4	57	29.8	3	43	44.8
2012–13	24	19 <sup>5</sup>	7	37	11.2	12 <sup>6</sup>	63	103.5
2013–14	29	22	8	36	13.9	14	64	66.9
2014–15	17	12	5	42	6.7	7	58	41.4
2015–16	25	21	14	67	79	7	33	37.6
2016–17	22	15	7	47	25.3	8	53	41.4
2017–18	15	12	7	58	3	5	42	58.5
<b>Totals</b>	<b>197</b>	<b>151</b>	<b>75</b>	<b>50</b>	<b>186.4</b>	<b>76</b>	<b>50</b>	<b>534.9</b>

1 Excludes one case which was carried over to 2010–11.

2 Excludes one case which was carried over to 2010–11.

3 Includes one case which was carried over from 2009–10.

4 Includes one case which was carried over from 2009–10.

5 Includes one case which was considered in 2011–12, but referred to the Secretary of State in 2012–13.

6 Includes one case where the applicant was informed that a licence could be issued, but decided to continue negotiations with a UK purchaser. To date, an export licence has not been issued.

Please note these tables were updated in 2018 as three outstanding cases were resolved by the time the 2016–17 annual report was published:

Licences issued for Statue of Sekhemka (2014–15) and Scottish seals (2015–16)

Licence refused for a painting by Pontormo (2015–16)

## Table 2

The statistics below show the figures for the values associated with cases from 2008–09 to 2017–18.

(1) Year	(2) Cases where a decision on the licence application was deferred	(3) Value of items in (2) (£m)	(4) Cases where items were acquired by institutions or individuals in the UK (4) <sup>1</sup>	(5) Value (at deferral) of items in (4) (£m)	(6) Value of items in (5) as % of (3) (£m)	(7) Cases where the application was refused or withdrawn after the announcement of the Secretary of State's decision	(8) Value of items in (7) (£m)
2008–09	16	15.7	9	1.5	10	0	0
2009–10	13 <sup>2</sup>	71.5	6	10.1	14	1	0.6
2010–11	14 <sup>3</sup>	71.7	4	3.8	5	3	2.1
2011–12	7	74.6	4	29.8	40	0	0
2012–13	19 <sup>4</sup>	114.8	6	11.2	10	1	0.04
2013–14	22	80.7	8	13.9	17	1	12.5 <sup>5</sup>
2014–15	12	48.1	5	6.7	14	0	0
2015–16	21	116.6	9	7	6	5	72
2016–17	15	66.7	4	11.8	18	3	13.5
2017–18	12	61.6	7	3	5	0	0
<b>Totals</b>	<b>151</b>	<b>722</b>	<b>62</b>	<b>98.8</b>	<b>14</b>	<b>14</b>	<b>100.7</b>

1 This only includes items purchased by individuals who agreed to guarantee satisfactory public access, conservation and security arrangements.

2 Excludes one case which was carried over into 2010–11.

3 Includes one case which was carried over from 2009–10.

4 Includes one case which was considered in 2011–12, but referred to the Secretary of State in 2012–13.

5 Deferred at £12,500,000; licence application was withdrawn and the item was subsequently purchased for £10,000,000.

Please note these tables were updated in 2018 to include an outstanding case which had been resolved by the time the 2016–17 annual report was published: a painting by Pontormo (2015–16).

---

# Appendix B

## History of export controls in the UK

The reasons for controlling the export of what are now known as cultural goods were first recognised in the UK at the end of the 19th and beginning of the 20th centuries. Private collections in the UK had become the prey of American and German collectors, and it was apparent that many were being depleted and important works of art sold abroad at prices in excess of anything that UK public collections or private buyers could afford. It was against this background that the National Art Collections Fund was established in 1903 to help UK national and regional public collections to acquire objects that they could not afford by themselves.

Until 1939, the UK had no legal controls on the export of works of art, books, manuscripts and other antiques. The outbreak of the Second World War made it necessary to impose controls on exports generally in order to conserve national resources. As part of the war effort, Parliament enacted the Import, Export and Customs Powers (Defence) Act 1939, and in addition the Defence (Finance) Regulations, which were intended not to restrict exports but to ensure that, when goods were exported outside the Sterling Area, they earned their proper quota of foreign exchange. In 1940, antiques and works of art were brought under this system of licensing.

It was in 1950 that the then Labour Chancellor of the Exchequer, Sir Stafford Cripps, established a committee under the Chairmanship of the First Viscount Waverley 'to consider and advise on the policy to be adopted by His Majesty's Government in controlling the export of works of art, books, manuscripts, armour and antiques and to recommend what arrangements should be made for the practical operation of policy'. The Committee reported in 1952 to RA Butler, Chancellor in the subsequent Conservative administration, and its conclusions still form the basis of the arrangements in place today.

## Current export controls

The export controls are derived from both UK and EU legislation. The UK statutory powers are exercised by the Secretary of State under the Export Control Act 2002. Under the Act, the Secretary of State for Digital, Culture, Media & Sport has made the Export of Objects of Cultural Interest (Control) Order 2003. Export controls are also imposed by Council Regulation (EC) No 116/2009 on the export of cultural goods. The control is enforced by Border Force, a law enforcement command within the Home Office. If an item within the scope of the legislation is exported without an appropriate licence, the exporter

and any other party concerned with the unlicensed export of the object concerned may be subject to penalties, including criminal prosecution, under the Customs and Excise Management Act 1979.

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

An independent Reviewing Committee on the Export of Works of Art was first appointed in 1952 following the recommendations of the Waverley Committee. It succeeded an earlier committee of the same name established in 1949, comprising museum directors and officials, which heard appeals against refusals and, from 1950, all cases where refusals were recommended. The Committee's terms of reference, as set out in the Waverley Report, were:

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

These were subsequently revised following the recommendations of the Quinquennial Review, which also recommended that the Committee's name be expanded by adding 'and Objects of Cultural Interest'. (See Appendix C for revised terms of reference.)

The Committee is a non-statutory independent body whose role is to advise the Secretary of State whether a cultural object which is the subject of an application for an export licence is a 'national treasure'. It will designate an object as a national treasure if it considers that its departure from the UK would be a misfortune on one or more of the following three grounds, which are collectively known as the Waverley criteria (so named after Viscount Waverley) and which were spelt out in the conclusions of the Waverley Report.

The Committee consists of eight full members, appointed by the Secretary of State for Digital, Culture, Media & Sport, seven of whom have particular expertise in one or



more relevant fields (paintings, furniture, manuscripts etc), and a Chair. A list of members during 2017–18 is at the front of this report and brief details of members are included in Appendix D.

## The Waverley criteria

The Committee will designate an object as a national treasure if it considers that its departure from the UK would be a misfortune on one or more of the following three grounds:

History	Aesthetics	Scholarship
Is it closely connected with our history and national life?	Is it of outstanding aesthetic importance?	Is it of outstanding significance for the study of some particular branch of art, learning or history?
<i>Waverley 1</i>	<i>Waverley 2</i>	<i>Waverley 3</i>

They are not mutually exclusive and an object can, depending on its character, meet one, two or three of the criteria.

The Committee reaches a decision on the merits of any object which the relevant expert adviser draws to its attention.

A meeting is held at which both the expert adviser and the applicant submit a case and can question the other party. The permanent Committee members are joined for each hearing by independent assessors (usually three), who are acknowledged experts in the field of the object under consideration. They temporarily become full members of the Committee for the duration of the consideration of the item in question.

If the Committee concludes that an item meets at least one of the Waverley criteria, its recommendation is passed on to the Secretary of State. The Committee also passes on an assessment of the item's qualities and a recommendation as to the length of time for which the decision on the export licence should be deferred, to provide UK institutions and private individuals with a chance to raise the money to purchase the item to enable it to remain in this country. It is the Secretary of State who decides whether an export licence should be granted or whether it should be deferred, pending the possible receipt of a suitable matching offer from within the UK which will lead to the refusal of the licence if it is turned down.

Since the Committee was set up in 1952, many important works of art have been retained in the UK as a result of its intervention. These embrace many different categories. An illustrative selection includes:

**Paintings:** Titian's *The Death of Actaeon* (1971), Raphael's *Madonna of the Pinks* (2004), Manet's *Portrait of Mademoiselle Claus* (2012) and, from the British School, Reynolds' *The Archers* (2005).

**Sculptures:** *The Three Graces* by Canova (1993).

**Antiquities:** a 'jadeite' Neolithic axe-head brought into Britain circa 4000 BC (2007).

**Porcelain:** a 102-piece Sèvres dinner service presented to the Duke of Wellington (1979).

**Furniture:** a lady's secretaire by Thomas Chippendale (1998) and a pair of Italian console tables with marquetry tops by Lucio de Lucci, the bases attributed to Andrea Brustolon.

**Silver:** a Charles II two-handled silver porringer and cover, circa 1660, attributed to the workshop of Christian van Vianen (1999).

**Textiles:** a felt appliqué and patch-worked album coverlet made by Ann West in 1820 (2006).

**Manuscripts:** the *Foundation Charter of Westminster Abbey* (1980) and the *Macclesfield Psalter* (2005).

This short list shows quite clearly the immense cultural and historic value of what has been achieved.

Unfortunately, and perhaps almost inevitably, some have got away. Noteworthy examples include *David Sacrificing before the Ark* by Rubens (1961), *A Portrait of Juan de Pareja* by Velázquez (1971), *Sunflowers* by Van Gogh (1986) and *Portrait of an Elderly Man* by Rembrandt (1999). Among items other than pictures that have been exported are *The Burdett Psalter* (1998), *The World History of Rashid al-Din* (1980), *The Codex Leicester* by Leonardo da Vinci (1980), the Jenkins or Barberini *Venus* (2003), *Ordination* by Nicolas Poussin (2011), and *Vue sur L'Estaque et la Château d'If* by Paul Cézanne (2015), all of which are of the highest quality in their field. By any measure, these are all losses to the UK of items of world significance.

---

# Appendix C

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

The Committee was established in 1952 following the recommendations of the Waverley Committee in its report in September of that year. Its terms of reference are:

- a) to advise on the principles which should govern the control of export of objects of cultural interest under the Export Control Act 2002 and on the operation of the export control system generally;
- b) to advise the Secretary of State on all cases where refusal of an export licence for an object of cultural interest is suggested on grounds of national importance, and
- c) to advise in cases where a special Exchequer grant is needed towards the purchase of an object that would otherwise be exported.

# Appendix D

## Membership of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest during 2017–18

### Sir Hayden Phillips GCB DL (Chair)

Sir Hayden Phillips is the Independent Reviewer of the Rulings of the Advertising Standards Authority. He is also a Director of St Just Farms Ltd; and Chairman of the Wellington Collection Management Committee and of the IPSO Appointments Panel. He is a Lay Canon of Salisbury Cathedral and Chairman of its Fabric Advisory Committee. He was Chairman of the National Theatre (2004–10) and of Marlborough College (2006–13); and was a Deputy Lieutenant of Wiltshire (2008–18). Sir Hayden's previous career was in the Civil Service, latterly heading two Departments as Permanent Secretary – the Department for Culture, Media & Sport from 1992 to 1998, and the Lord Chancellor's Department (now the Ministry of Justice) from 1998 to 2004. He reviewed the

Honours System (report 2004) and the Funding of Political Parties (report 2007).

**Appointed 17 March 2014:**  
**appointment expires 16 March 2022**

### Peter Barber

Peter Barber, former Head of Cartographic and Topographic Materials at the British Library, has many exhibitions to his name, and was awarded an OBE for services to Cartography and Topography in 2012. He began his career at the British Library in the Department of Manuscripts where he was involved in the cataloguing of the Blenheim and Althorp archives and oversaw the acquisition of a number of important manuscripts. He was a consultant to several television series on the history of maps and was editor and principal contributor to *Tales from the Map Room: Face and Diction about Maps and their Makers* (1993) and *The Map Book* (2005), and author of *The Queen Mary Atlas: Commentary* (2005) and *King Henry's Map of the British Isles: BL Cotton MS Augustus I.i.9: Commentary* (2009) as well as contributing an extended chapter on mapmaking in England between 1470 and 1650 to volume 3 of the University of Chicago's multi-volume *History of Cartography*. He is a Vice President of the Hakluyt Society and a Trustee of the Hereford Mappa Mundi Trust. He is a Council Member of the Society of Antiquaries' Library and Collections Committee, and a past Council Member of the Royal Numismatic and British Art Medal Societies. He has recently been appointed a Visiting Professor in the Department of History at King's College London and has been elected President of the Hornsey Historical Society. He is also a board member of The Lauderdale House Society Ltd and a Council Member of the Friends of the Iveagh Bequest.

**Appointed 1 August 2015:**  
**appointment expires 31 July 2023**

### Richard Calvocoressi

Richard Calvocoressi, Director and Senior Curator of the Gagosian Gallery, London, since 2015, former Director of the Henry Moore Foundation and former Keeper, and then Director, of the Scottish National Gallery of Modern Art (1987–2007), was originally a curator at the Tate Gallery (1979–87), where he was responsible for building up the collections of pre- and post-War European art. He also organised major exhibitions of Jean Tinguely (1982) and Oskar Kokoschka (1986). In Scotland, he acquired important international collections of Dada and Surrealist art from the estates of Roland Penrose and Gabrielle Keiller and was instrumental in attracting the Anthony d'Offay gift to Edinburgh and London. Richard Calvocoressi has published on various artists, including Michael Andrews, Francis Bacon, Georg Baselitz, Reg Butler, Lucian Freud, Anselm Kiefer, Paul Klee, Yves Klein, René Magritte, Lee Miller and Henry Moore. He is an Expert Member of the Comité Magritte.

---

In 2008, he was awarded a CBE for services to the arts, particularly in Scotland.

**Appointed 13 November 2012:**  
**appointment expires 12 November 2020**

### **Philippa Glanville**

Philippa Glanville FSA is a Trustee of the Art Fund and a member of the Westminster Abbey Fabric Commission. Former Curatorial Adviser to the Harley Foundation, Trustee of the Belmont House Trust, Bishopsland Educational Trust and the Geffrye Museum, she is a Past Master of the Company of Arts Scholars and a Liveryman of the Worshipful Company of Goldsmiths. She was awarded an OBE in 2015 for services to the history of decorative arts and heritage. An historian and curator at the London Museum, Museum of London and Victoria and Albert Museum, she was Keeper of Metalwork at the V&A from 1989–99. From 1999 to 2003, she was Academic Director at Waddesdon Manor (the Rothschild Collection) and Associate Curator at the Gilbert Collection, Somerset House. She writes on silver, social history and the history of collecting; her books include *London in Maps* (Connoisseur/Ebury Press 1972), *Silver in England* (Unwin Hyman 1972, Routledge 2010), *Silver in Tudor & Early Stuart England* (V&A 1990), *Women Silversmiths 1697–1845* (with J Goldsborough, Thames & Hudson 1991, for the V&A), *Silver, Elegant Eating* and *The Art of Drinking* (1996, 2002, 2007) and, for the Harley Foundation, *Dinner with a Duke* (2010). Philippa has contributed to many publications, including *City Merchants & the Arts 1670–1720* (Oblong/Corporation of London 2004), *Feeding Desire* (Cooper Hewitt 2006) and *Les Tables Royales en Europe* and *Quand Versailles était meublé en Argent* (RMN & Château de Versailles 1993 and 2001), *Treasures of the English Church* (Goldsmiths Company/Holberton 2008) and *Baroque* (V&A 2009).

**Appointed 2 April 2010:**  
**appointment expired 1 April 2018**

### **Lowell Libson**

Lowell Libson is an art dealer and Managing Director and Proprietor of Lowell Libson & Jonny Yarker Ltd, which specialises in British paintings, watercolours and drawings of the 17th to 20th centuries. His specialist area of expertise is the art market and British works of the aforementioned period.

**Appointed 3 June 2011:**  
**appointment expires 2 June 2019**

### **Christopher Rowell**

Christopher Rowell was appointed to the curatorial staff of the National Trust in 1977 and has been Furniture Curator since 2002, advising on the Trust's collections in England, Wales and Northern Ireland. He is Chairman of the Furniture History Society and a Fellow of the Society

of Antiquaries. He has published widely, mainly on country house collections, the display of art and furniture. He was editor and principal contributor to *Ham House: 400 Years of Collecting and Patronage* (2013), which was shortlisted for the William MB Berger Prize for British Art History 2014, and has also contributed to *Hardwick Hall: A Great Old Castle of Romance* (2016), the second book in this series on the Trust's most significant houses, which is published by Yale University Press for the National Trust and the Paul Mellon Centre for Studies in British Art.

**Appointed 10 April 2015:**  
**appointment expires 9 April 2023**

### **Leslie Webster**

Former Keeper of the Department of Prehistory and Europe, and senior curator of the early medieval collections at The British Museum, Leslie Webster specialises particularly in the Anglo-Saxon and Viking period, on which she publishes and lectures widely. Her latest book is *Anglo-Saxon Art: A New History* (2012). She is Honorary Visiting Professor at the Institute of Archaeology, UCL. She co-curated four major exhibitions on early medieval themes at The British Museum, and also co-ordinated a series of exhibitions in five major European museums, as part of the European Science Foundation's *Transformation of the Roman World AD 400–900 Project*. She has served as a trustee and committee member on many professional bodies, including the Society of Antiquaries of London, the Royal Archaeological Institute and the Society for Medieval Archaeology, where she served as President from 2007–10. Other advisory work has included membership of the former English Heritage Museums and Archives Advisory Panel, the British Academy Corpus of Anglo-Saxon Stone Sculpture Committee, and the National Heritage Memorial Fund Advisory Panel. She is actively engaged in the Staffordshire Hoard Research Project, and is co-editor of the forthcoming publication on this major Anglo-Saxon find.

**Appointed 18 February 2013:**  
**appointment expires 17 February 2021**

### **Aidan Weston-Lewis**

Aidan Weston-Lewis has worked at the National Galleries of Scotland since 1992, where he is Chief Curator, with responsibility for the Italian and Spanish collections. Before that, he was Assistant Librarian at the Witt Photographic Library at the Courtauld Institute of Art in London. He has organised a series of major exhibitions and has published widely in his area of specialism, particularly on North Italian painting and drawing of the 16th and 17th centuries. In 2005, Aidan received from the Italian Republic the honour of Cavaliere dell'Ordine della Stella della Solidarietà Italiana in recognition of his contribution to the study of Italian art.

**Appointed 10 May 2011:**  
**appointment expires 9 May 2019**

---

# Appendix E

## List of independent assessors who attended meetings during 2017–18

Dawn Ades, Professor of Art History (Retired), University of Essex	Case 5, 13
Brian Allen, Chairman, Hazlitt Group	Case 7
Charles Beddington, Director, Charles Beddington Ltd	Case 6
Robert Bowman, Bowman Sculpture	Case 3
Martin Butlin, Art Historian	Case 7
Zelda Cheadle, Photography Consultant and Curator	Case 10
John Cherry, Independent Scholar	Case 18 (2015–16)
Richard Dorment, Art Historian and Journalist	Case 3
Katherine Eustace, Independent Curator, Former Editor of <i>Sculpture Journal</i>	Case 3
Mark Evans, Head of Paintings and Photographs, Victoria and Albert Museum	Case 11
James Faber, Day & Faber	Case 1, 11
Pat Frost, Pat Frost Fashion & Textiles	Case 12
Francesca Galloway, Francesca Galloway Ltd	Case 12
Chris Green, Professor of the History of Art, The Courtauld Institute of Art	Case 5
Jonathan Harris, Independent Consultant	Case 9
Paul Harvey, Emeritus Professor of Medieval History, University of Durham	Case 18 (2015–16)
James Holland-Hibbert, Director, Hazlitt Holland-Hibbert	Case 15
Sarah Hornsby, Independent Consultant, Hornsby + Nugee Antiquities consultants	Case 2
Catherine Johns, Former curator of the Romano-British collections, The British Museum	Case 2
Alastair Laing, Independent Consultant, Former Adviser on Pictures and Sculpture, National Trust	Case 1, 6
Martin Levy, Director, H Blairman & Sons	Case 9
Jeremy Lewison, Jeremy Lewison Ltd	Case 15
David Lomas, Professor, Art History & Visual Studies, University of Manchester	Case 13
Richard Marks, Professor, History of Art, University of Cambridge	Case 18 (2015–16)
Elizabeth McGrath, Emeritus Professor and Honorary Fellow, The Warburg Institute	Case 14
Lucy Munro, Reader in Shakespeare and Early Modern Literature, King's College London	Case 4





# Appendix F

## Value of items placed under deferral (2008–09 to 2017–18)

- i) for which permanent licences were issued, and  
ii) where items were purchased by UK institutions or individuals

(1) Year	(2) Value of items where a decision on the licence application was deferred (£m)	(3) Value (at deferral) of cases in (2) where items were licensed for permanent export (£m)	(4) Value of items in (3) as % of (2)	(5) Value of items in (2) that were not licensed for export (£m)	(6) Value (at deferral) of cases in (2) where items were purchased by UK institutions or individuals <sup>1</sup> (£m)	(7) Value of items in (6) as % of (2)
2008–09	15.7	14.2	90	1.5	1.5	10
2009–10	71.5	60.8	85	10.7 <sup>2</sup>	10.1	14
2010–11	71.7	65.8	92	5.9 <sup>3</sup>	3.8	5
2011–12	74.6	44.8	60	29.8	29.8	40
2012–13	114.8	103.5	90	11.2	11.2	10
2013–14	80.7	66.9	83	13.9	13.9	17
2014–15	48.1	41.4	86	6.7	6.7	14
2015–16	116.6	37.6	32	79	7	6
2016–17	66.7	41.4	62	25.3	11.8	18
2017–18	61.6	58.5	95	3	3	5
<b>Totals</b>	<b>722</b>	<b>534.9</b>	<b>74</b>	<b>187</b>	<b>98.8</b>	<b>14</b>

1 This only includes items purchased by individuals who agreed to guarantee satisfactory public access, conservation and security arrangements.

2 Includes value of one case (£554,937.50) where the application was withdrawn during the deferral period.

3 Includes value of one case (£389,600) where a matching offer was refused and the Secretary of State therefore refused an export licence, and the value of two cases (£1,645,868) where the application was withdrawn during the deferral period.

Please note these tables were updated in 2018 as three outstanding cases had been resolved by the time the 2016–17 annual report was published:

Licences issued for Statue of Sekhemka (2014–15) and Scottish seals (2015–16)

Licence refused for a painting by Pontormo (2015–16)

# Appendix G

## Items licensed for export after reference to expert advisers for advice 1 May 2017 to 30 April 2018

Category	Advising authority	No of items	Total value (£)
Architectural models	Sir John Soane's Museum, Deputy Director	0	£0
Arms and armour	Royal Armouries, Leeds, Director General	17	£2,972,400
Books, maps etc	British Library, Keeper of Printed Books, Head of Map Collections	25	£2,635,040
Books, drawings and manuscripts (natural history)	Natural History Museum, Special Collections Manager Library & Archives	9	£253,707
Ceramics (Pottery) and Glass	Victoria and Albert Museum, Head of Ceramics & Glass Department	53	£5,319,093
Clocks and watches	The British Museum, Keeper of Clocks and Watches	10	£3,154,235
Coins and medals	The British Museum, Keeper of Coins and Medals	61	£5,155,441
Drawings: architectural, engineering and scientific	Victoria and Albert Museum, Keeper of Word & Image Department	31	£635,561
Drawings, prints, water-colours	The British Museum, Keeper of Prints and Drawings	136	£116,596,841
Egyptian antiquities	The British Museum, Keeper of Egyptian Antiquities	7	£4,629,625
Ethnography and Western Asiatic Antiquities	The British Museum, Keeper of the Department of Africa, Oceania and the Americas	8	£3,648,512
Furniture and woodwork	Victoria and Albert Museum, Keeper of Furniture and Textiles & Fashion Department	70	£10,751,700
Greek and Roman antiquities	The British Museum, Keeper of Greek and Roman Antiquities	68	£19,990,149
Indian furniture, textiles and works of art	Victoria and Albert Museum, Senior Curator of Asian Department, South & South East Asian Collection	18	£6,792,440
Japanese antiquities	The British Museum, Department of Asia	1	£55,000
Manuscripts, documents and archives	British Library, Curator, Department of Manuscripts	1,454	£32,055,747
Maritime material, including paintings	National Maritime Museum, Director of Collections	1	£75,000
Middle East antiquities	The British Museum, Keeper of Middle East Antiquities	17	£5,498,823

Middle East ceramics, glass, textiles and works of art	Victoria and Albert Museum, Senior Curator of Middle East Section	4	£980,199
Musical instruments	University of Edinburgh, Curator of Musical Instruments Collections	52	£16,473,329
Oriental antiquities (except Japanese)	The British Museum, Department of Asia	88	£13,233,314
Oriental furniture, porcelain and works of art	Victoria and Albert Museum, Senior Curator of Asian Department, Chinese Collection	120	£38,165,228
Paintings, British, foreign post-1900	Tate Gallery	245	£552,553,298
Paintings, foreign pre 1900	The National Gallery, Director	129	£443,762,999
Paintings, miniature and pastels	Victoria and Albert Museum, Senior Curator of Painting Section, Word & Image Department	2	£6,120,000
Portraits of British persons	National Portrait Gallery, Director	49	£52,951,761
Photographs	Victoria and Albert Museum, Senior Curator, Photographs	79	£7,645,121
Prehistory & Europe (inc. Archaeological material, Medieval and later antiquities & Metal Detecting Finds)	The British Museum, Keeper of Prehistory & Europe Department of Portable Antiquities & Treasure (Metal Detecting Finds)	24,250	£22,198,969
Scientific and mechanical material	Science Museum, Head of Collections	2	£3,604,317
Sculpture	Victoria and Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department Tate Gallery (20th Century Sculpture)	103	£112,558,570
Silver and weapons, Scottish	National Museum Scotland, Director	0	£0
Silver, metalwork and jewellery	Victoria and Albert Museum, Senior Curator of Sculpture, Metalwork, Ceramic & Glass Department	109	£24,699,070
Tapestries, carpets (and textiles)	Victoria and Albert Museum, Senior Curator of Furniture, Textiles & Fashion Department	37	£6,839,148
Television, cinema and photography technology	National Media Museum, Head	0	£0
Toys	Bethnal Green Museum of Childhood, Head	1	£200,000
Transport	British Motor Industry Heritage Trust	38	£41,117,050
Wallpaper	Victoria and Albert Museum, Senior Curator of Prints Section, Word & Image Department	0	£0
War orders, medals and decorations	Imperial War Museum	5	£1,475,000
Zoology (stuffed specimens)	Natural History Museum, Director of Science	1	£130,944
<b>Total</b>		<b>27,300</b>	<b>£1,564,927,630</b>



# Appendix H

## Applications considered and deferred on the recommendation of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, 2008–09 to 2017–18

Year	Number of Waverley items granted a permanent export licence	Value of Waverley items granted a permanent export licence (£)	Number of Waverley items purchased during deferral	Total value of Waverley items purchased during deferral (£)	Number of Waverley items supported by HLF/ NHMF	Support by HLF/ NHMF (£)	Number of Waverley items supported by Art Fund	Support by Art Fund (£)	Number of Waverley items supported by V&A Purchase Grant Fund	Support by V&A Purchase Grant Fund (£)
2008–09	7	14,186,010	9	1,521,684	2	378,000	4	329,292	3	118,500
2009–10	6	60,813,750	6	10,119,674	2	186,000	3	245,100	1	17,000
2010–11	7	65,837,016	4	3,752,918	3	2,410,000	4	470,000	1	20,000
2011–12	3	44,830,190	4	9,252,560	2	6,025,000	2	1,100,000	0	0
2012–13	12 <sup>1</sup>	103,543,500	6	11,165,750	2	3,952,900	3	508,250	2	32,000
2013–14	14	66,862,143	8	13,852,095	1	6,300,000	4	820,000	1	10,000
2014–15	7	41,421,200	5	6,694,400	3	508,000	3	175,662	0	0
2015–16	7	37,611,550	9	7,000,513	6	3,505,215	5	910,000	0	0
2016–17	8	41,363,000	4	11,836,500	2	432,500	2	640,000	1	60,000
2017–18	5	58,541,462	7	3,016,978.79	1	267,607	3	266,000	0	0

1 Includes one case where the applicant was informed that a licence could be issued, but decided to continue negotiations with a UK purchaser. To date, an export licence has not been issued.

Please note these tables were updated in 2018 to include two outstanding cases which had been resolved by the time the 2016–17 annual report was published: Statue of Sekhemka (2014–15) and Scottish seals (2015–16).

## 2017–18 (detail) – Acquisitions

Item	Purchaser	Price (£)	Support by HLF/NHMF (£)	Support by Art Fund (£)	Support by V&A Purchase Grant Fund
<i>The Schmadribach Waterfall near Lauterbrunnen, Switzerland</i> by Joseph Anton Koch	The British Museum	£71,500 (inclusive of VAT)		£30,000	
Roman figurine of a man wearing a hooded cloak	Chelmsford Museum	£550			
A portrait bust, <i>Queen Victoria</i> , by Alfred Gilbert	Fitzwilliam Museum	£1,440,000 (inclusive of VAT) <sup>1</sup>	£267,607		
<i>Workes (1640)</i> by Benjamin Jonson	The University of Edinburgh	£48,000			
<i>Mae West Lips Sofa</i> , Salvador Dalí and Edward James	Victoria and Albert Museum	£496,881.56 (inclusive of VAT)		£136,000	
George I Palladian baby house	V&A Museum of Childhood	£78,000 (inclusive of VAT)			
<i>Lobster Telephone (White Aphrodisiac)</i> , Salvador Dalí and Edward James	National Galleries of Scotland	£882,047.23 (inclusive of VAT)		£100,000	
<b>Total</b>		<b>£3,016,978.79</b>	<b>£267,607</b>	<b>£266,000</b>	<b>£0</b>

<sup>1</sup> Deferral price, however, tax remission available total price £1,317,607 (inclusive of VAT)

---

# Appendix I

## Composition of the Advisory Council on the Export of Works of Art and Objects of Cultural Interest

- 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 Digital, Culture, Media & Sport (DCMS), Department for International Trade, HM Treasury, Foreign & Commonwealth Office, HM Revenue & Customs, Scottish Executive Department for Culture, National Assembly for Wales Department for Culture and Northern Ireland Department for Culture;
- iii) the Directors of the English and Scottish national collections and National Museum Wales, and the Librarians of the National Libraries of Wales and Scotland;
- iv) the expert advisers to DCMS, 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: ACE/V&A Purchase Grant Fund; Art Fund; Arts Council England; Arts Council of Northern Ireland; Arts Council of Wales; Association of Independent Museums; Conference of Directors of the National Museums and Galleries; Friends of the National Libraries; Heritage Lottery Fund; The National Archives; National Archives of Scotland; National Fund for Acquisitions; National Heritage Memorial Fund; National Trust; National Trust for Scotland; Pilgrim Trust; the PRISM Grant Fund for the Preservation of Scientific and Industrial Material;
- vii) representatives of: British Academy; British Records Association; Canadian Cultural Property Export Review Board (observer status); Chartered Institute of Library and Information Professionals (CILIP); Council for British Archaeology; Historic Houses Association; Historical Manuscripts Commission; Royal Academy of Arts; Royal Historical Society; Royal Scottish Academy; Scottish Records Association; Society of Antiquaries of London; Society of Archivists; Society of College, National and University Libraries;
- viii) representatives of the trade nominated by the: Antiquarian Booksellers Association (two); Antiquities Dealers Association (two); Association of Art and Antique Dealers (two); Bonhams; British Antique Dealers Association (three); British Art Market Federation; British Numismatic Trade Association (two); Christie's; Fine Art Trade Guild; Society of Fine Art Auctioneers and Valuers; Society of London Art Dealers (two); Sotheby's.

---

# Appendix J

## Further reading

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

Export Licensing for Cultural Goods: Procedures and Guidance for Exporters of Works of Art and other Cultural Goods (Arts Council England, 2018)

Export Control Act 2002 (HMSO)

The Export of Objects of Cultural Interest (Control) Order 2003 (SI 2003 No. 2759)

Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods

Export Controls on Objects of Cultural Interest: Statutory guidance on the criteria to be taken into consideration when making a decision about whether or not to grant an export licence (DCMS, March 2015)

Quinquennial Review of the Reviewing Committee on the Export of Works of Art (DCMS, December 2003)

Response to the Quinquennial Review of the Reviewing Committee on the Export of Works of Art (DCMS, December 2004)

Goodison Review – Securing the Best for our Museums: Private Giving and Government Support (HM Treasury, January 2004)

Dealing in Cultural Objects (Offences) Act 2003 (HMSO)

Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material (DCMS, October 2005)

Contracting Out (Functions in Relation to Cultural Objects) Order 2005 – Statutory Instrument 2005 No. 1103

*Saved! 100 Years of the National Art Collections Fund* (Richard Verdi, Scala Publishers Ltd, 1999)



---

# Appendix K

## Membership of the Working Party on Manuscripts, Documents and Archives during 2017–18

**Peter Barber**, Chairman

**Julia Brettell**, ACE/V&A Purchase Grant Fund

**Paula Brikci**, PRISM Grant Fund Manager, Collections and Cultural Property Unit, Arts Council England

**Mark Caldon**, Cultural Property Unit, Department for Culture, Media & Sport

**Peter Durrant**, Former County Archivist, Berkshire Record Office

**Chris Fletcher**, Keeper of Special Collections, Bodleian Libraries, Fellow, Exeter College

**Scott Furlong**, Director, Collections and Cultural Property Unit, Arts Council England

**Matthew Haley**, Bonhams

**Brian Lake**, Antiquarian Booksellers Association

**Scot McKendrick**, British Library

**Margaret O'Sullivan**, Former County Archivist, Derbyshire Record Office

**Fiona Talbott**, Head of Museums, Libraries and Archives, Heritage Lottery Fund

**Anastasia Tennant**, Senior Policy Adviser, Collections and Cultural Property Unit, Arts Council England

**James Travers**, The National Archives

**Sarah Waldren**, PRISM Fund Assistant, Collections and Cultural Property Unit, Arts Council England

**Stephen Wemyss**, Secretary, Working Party on Manuscripts, Documents and Archives/Cultural Property Officer, Collections and Cultural Property Unit, Arts Council England

**Frances Wilson**, Export Licensing Manager, Collections and Cultural Property Unit, Arts Council England

**John Wilson**, John Wilson Manuscripts Limited/Antiquarian Booksellers Association

**Joan Winterkorn**, Archive and Manuscript Consultant, Former Director and Head of Valuations at Bernard Quaritch

---

# Appendix L

## Full list of plates

Plate 1a	The Schmadribachfall by Joseph Anton Koch © Bavarian State Painting Collections	18
Plate 1b	<i>The Schmadribach Waterfall near Lauterbrunnen, Switzerland</i> by Joseph Anton Koch (in situ at The British Museum)	18
Plate 1c	<i>The Schmadribach Waterfall near Lauterbrunnen, Switzerland</i> by Joseph Anton Koch (front view)	19
Plate 2a	A Roman figurine of a man wearing a cloak (front view)	20
Plate 2b	A Roman figurine of a man wearing a cloak (rear view)	21
Plate 3a	A Portrait Bust, <i>Queen Victoria</i> , by Alfred Gilbert	22
Plate 3b	A Portrait Bust, <i>Queen Victoria</i> , by Alfred Gilbert (side view)	23
Plate 4a	<i>Workes (1640)</i> by Benjamin Jonson (spine and inner page spread)	24
Plate 4b	<i>Workes (1640)</i> by Benjamin Jonson (detail)	25
Plate 5a	<i>Mae West Lips Sofa</i> , Salvador Dalí and Edward James (side view)	25
Plate 5b	<i>Mae West Lips Sofa</i> , Salvador Dalí and Edward James (in situ). Elizabeth Whiting & Associates / Alamy Stock Photo	27
Plate 5c	<i>Mae West Lips Sofa</i> , Salvador Dalí and Edward James (front view)	28
Plate 6	<i>The Rialto Bridge with the Palazzo dei Camerlenghi</i> by Francesco Guardi	30
Plate 7	<i>Ehrenbreitstein</i> by Joseph Mallord William Turner	32
Plate 8a	George I Palladian baby house (front view)	35
Plate 8b	George I Palladian baby house (front view with doors open)	36
Plate 9a	<i>Images from the Life (The Norman Album)</i> by Julia Margaret Cameron (cover view)	37
Plates 9b-j	<i>Images from the Life (The Norman Album)</i> by Julia Margaret Cameron (inner page details)	39
Plate 10	<i>The Destruction of Pharaoh's Host</i> by John Martin. Digital image courtesy of the Getty's Open Content Program.	41
Plate 11a	<i>Lobster Telephone (White Aphrodisiac)</i> , Salvador Dalí and Edward James	43
Plate 11b	<i>Lobster Telephone (White Aphrodisiac)</i> , Salvador Dalí and Edward James (detail)	44
Plate 12	<i>The Head of an African Man Wearing a Turban</i> by Sir Peter Paul Rubens. Digital image courtesy of the Getty's Open Content Program	46
Plate 13	Scottish seal matrix pair	49



