



UK Export Licensing for Cultural Goods

**Procedures and guidance for exporters of works
of art and other cultural goods**

**A Museums, Libraries and Archives
Council Notice**

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Introduction

1. This notice provides guidance on the procedures involved in applying for an export licence for cultural goods. Part I sets out the export controls that apply to cultural goods (works of art, antiques and collectors' items etc), when an individual export licence is required and how you should apply for one. Part II details how decisions are reached on licence applications for objects of national importance. All references to the UK include the Isle of Man. The operation of the export control regime for cultural goods is the responsibility of the Acquisition, Export and Loans Unit within the Museums, Libraries & Archives Council (MLA): address and telephone numbers at Appendix A (page 27).

Part I: Export Control

This part sets out the export controls that apply to cultural goods, when an individual export licence is required and how you should apply for one.

What is the purpose of the export control?

2. The purpose of the export control is to give an opportunity for the retention in this country of cultural goods considered to be of outstanding national importance. The system is designed to strike a balance, as fairly as possible, between the various interests concerned in any application for an export licence – for instance, the protection of the national heritage; the rights of the owner selling the goods; the exporter or overseas purchaser; and the position and reputation of the UK as an international art market.

How does the export control work?

3. For cultural goods over certain age and monetary limits, an individual licence is required for export from the UK to European Union (EU) destinations and non-EU destinations (see paragraphs 4 and 5), unless one of the exceptions in **Table 1** applies (see page 23). There is both EU and UK legislation on the export control of cultural goods and either an EU or a UK licence application may be required depending on the type of object and the destination to which you intend to export. Licences may be required for both permanent and temporary exports, including when you are transferring your own property abroad.

When must I have an individual export licence?

4. If you are intending to export a cultural object, regardless of its destination (within or outside the **EU**), you must apply for an individual licence if your object is valued at or above a specified financial threshold. To determine whether you require an individual licence, please refer to the flow chart and tables on page 24. **If the object is valued below the specified threshold, no individual licence application is required.**

5. The Member States of the EU are listed at Appendix B (page 29).

I have looked at the flow chart and tables on pages 24 and 25 and have concluded that I need to apply for an individual export licence.

6. If you are intending to export an object to a final destination **outside the EU**, please ensure that you apply for an export licence on the correct form (in most cases an **EC licence** or a **UK licence (ELU Form C)** for some objects). The flow chart and tables on pages 24 and 25 should have helped you to determine which form you require. If, however, you are intending to despatch an object to a destination **in another EU** Member State, then in all cases you need to apply for a **UK licence** (again, the flow chart and tables on pages 24 and 25 should have helped you to determine whether you need to apply for an individual licence).

How do I obtain the required licence application form?

7. Telephone the Export Licensing Unit on 020 7273 8265/8267/8273 and request either an **EC licence** application form or a **UK licence** application form. If you are unsure which you need, the staff of the Licensing Unit will be happy to advise you. **You should apply as soon as you know that an object is to be exported and the name and address of the consignee to whom it is going.** **Completed application forms, detailing the full provenance or history of the object**, should be sent to the Export Licensing Unit (address at Appendix A on page 27).

How soon will I receive my export licence once I have submitted my application?

8. This depends on whether your application is referred to an Expert Adviser in a national museum or gallery for scrutiny as to national importance (see paragraph 17). If an Expert Adviser needs to be consulted, the papers will normally be referred within five working days of the receipt of your application. We **ask** Expert Advisers to respond to us within 15 working days. The Quinquennial Review of the Reviewing Committee on the Export of Works of Art, published on 8 December 2003 (paragraph 31) expanded the definitions of the Waverley criteria, in particular, the first criterion. Therefore expert advisers will need detailed contextual information in order to decide whether a cultural object is of Waverley standard. To aid this process an adviser may also request photographs. When providing photographs please ensure they are up to date and of sufficient size and quality to show details of workmanship. In reference to clocks, an adviser may request an external photograph of the clock and another photograph of its workings. Failure to provide any of this information may result in delay, or it may result in the Export Licensing Unit not being able to process your application.
9. However, if you can provide evidence with your licence application that the object arrived in the UK within the last 50 years; your application will not normally be referred to the Expert Adviser (but see the note to Appendix B on

page 29 regarding the exclusion of imports into the UK from the Channel Islands). If there is no referral to an Expert Adviser, the licence can normally be granted within five working days from receipt of your application, **provided that all the necessary information has been submitted.**

If my cultural object has arrived in the UK within the last 50 years, what evidence should accompany the application?

10. The documentary evidence must provide details of the provenance of the object concerned. However, if the object is a recent arrival in the UK, it may be simpler to provide copies of the commercial shipping documentation or a copy of the Customs Single Administrative Document (C88) with your licence application. If there are no recent import documents it is important that an export licence application is supported by provenance dating back to 1 January 1993 or, in the case of material from Iraq, 1 August 1990. Failure to provide any of this information may result in delay, or it may result in the Export Licensing Unit not being able to process your application.
11. In addition, where an object has come from another EU Member State on or after 1 January 1993, either directly or indirectly via a third country, applicants requiring an EU licence should include evidence that the object was legally despatched from the originating Member State. The Export Licensing Unit can provide details of the evidence that is required for a particular originating Member State.

What about the special considerations that apply to manuscripts?

12. For some manuscripts, the Expert Adviser may recommend that the UK national interest can be satisfied by the retention of a copy, and that the originals should be granted an export licence. In such cases, the Export Licensing Unit will ask for a copy, so that it may be deposited in the British Library. Access to the copy is then normally denied for seven years, unless the owner of the original specifically consents to some lesser restriction. To save time, you may therefore wish to provide (where possible) a good quality copy of the original with your licence application. Illegible or poor quality copies (e.g. with parts of the text cut off in copying) are not acceptable, as they will be of no use to researchers in the future. If the manuscript in question is unsuitable for photocopying, copies can be made using a camera mounted above the manuscript. Prints made using a standard camera or a digital camera are acceptable as is the use of microfilm. When using microfilm please ensure that it is 35mm. Digital copies are also acceptable provided they meet the standard set out in Appendix F (page 36) and are accompanied by a signed statement confirming that they meet this standard. Digital copies will be stored at the British Library.
13. You should, however, ensure that by making a copy, you are not infringing the rights of the copyright owner. If you choose not to agree to a copy being deposited in the British Library, your licence application will be referred by the Export Licensing Unit to the Reviewing Committee on the Export of Works of Art

and Objects of Cultural Interest (see paragraph 28).

Definition of when the presence of marginalia means that printed matter should be treated as a manuscript for the purposes of export

14. Where printed matter contains inscriptions whose literary, scholarly or historical interest increases the commercial value of the printed material, it shall be treated as a manuscript for the purposes of export licensing.

Note: Simple ownership or presentation inscriptions will not be considered to meet this test, even when they increase the financial value of the item, unless they are of particular interest (such as an inscription giving evidence of ownership by a major writer or thinker).

What special considerations apply in Scotland?

15. Under Scottish law certain public records, such as court related records, are considered to be extra commercium. This means that they are held for the benefit of the community at large and cannot become private property by sale or gift. In practice, the Keeper of the Records of Scotland has a responsibility for such records and can take action to reclaim those that may have passed into private hands.
16. If you consider that you may have Scottish public records which may potentially be defined as being extra commercium, you should contact the Keeper's Office at the National Archives of Scotland for advice.
Telephone number: 0131 535 1311 or email: keeper@nas.gov.uk

How does an Expert Adviser decide what is of national importance?

17. An Expert Adviser may object to the granting of a licence if he or she believes that an object satisfies one or more of the **Waverley criteria** (see paragraphs 29-31). This can include an object by a living manufacturer or producer. Expert Advisers are entitled to view an object before reaching a decision.
18. If the Expert Adviser objects, the Export Licensing Unit refers the licence application to the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest (see paragraph 28).

What happens if the Expert Adviser makes no objection under the Waverley criteria?

19. If no objection is lodged, the export licence will normally be granted. Usually, our Expert Advisers collectively object to the granting of licences for about 25 to 50 objects each year out of a total of approximately 3,000 applications (covering approximately 20,000 items) referred to them.

Do museums and galleries need to apply for export licences?

20. Yes. Museums and galleries must apply for export licences. A museum or gallery is more likely to be arranging a temporary loan of an object for an exhibition abroad rather than seeking a permanent export. A temporary licence application by a national museum or gallery is not normally referred to an Expert Adviser.

Can an export licence be revoked once it has been issued?

21. Yes. The Secretary of State may modify or revoke an issued export licence at any time.

I have been granted a temporary licence for an object, but now wish to export it permanently. Do I need to make a fresh application?

22. Yes. Temporary licences are issued on the basis that an object will be returned to the UK by a specified date. An Expert Adviser may elect not to object to the granting of a temporary export licence where he would object to a permanent licence for the same object. You must inform the Export Licensing Unit in writing of the return of all objects granted a temporary export licence, quoting the licence number and the expiry date.

I have my export licence. What other export paperwork do I need?

23. You should contact your local HM Revenue and Customs Advice Centre (telephone number in the Yellow Pages or on the internet at www.yell.co.uk) for advice and copies of HM Revenue and Customs publications. You should also be aware that there are prohibitions on the export of certain species of animals and plants and their derivatives (eg works of art incorporating ivory or plumage) covered by the Convention on International Trade in Endangered Species (CITES). For advice as to whether CITES export permits are required and the manner in which to apply, contact Animal Health CITES Team (details in Appendix C on page 30). An export licence may also be required from the Department for Business, Enterprise and Regulatory Reform for cultural goods classified as firearms, military or paramilitary equipment, regardless of monetary value (details in Appendix C on page 30). For advice, contact the Export Control Organisation within the Department. Before considering submitting a licence application for manorial documents, applicants must consult the Secretary of the Royal Commission on Historical Manuscripts, on whether the Master of the Rolls will consent to the their export (details in Appendix C on page 30).

What should I do if I lose my export licence?

24. You should write to the Export Licensing Unit explaining the circumstances of the case and request a replacement licence.

What should I do if I discover that I have inadvertently exported an object without the required licence?

25. You should make a voluntary written disclosure of the facts and circumstances to the Head of the Export Licensing Unit. MLA may then refer your written disclosure to HM Revenue and Customs who are responsible for the enforcement of the export control. It is then for HM Revenue and Customs to consider what action is appropriate.
26. You should be aware that if an object is presented to Customs for export without an export licence where one is required, the exporter and any other party concerned with the unlicensed exportation may be subject to penalties including criminal prosecution under the Customs and Excise Management Act 1979. The unlicensed object may also be subject to seizure under the provisions of the same Act.

What if I learn that HM Revenue and Customs have stopped the export of my object?

27. You should speak to the office of HM Revenue and Customs concerned.

Part II: Objects of national importance

This part sets out how decisions are reached on licence applications for objects which are potentially of national importance and details the role of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest.

What is the role of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest?

28. The Reviewing Committee is a non-statutory independent body set up to advise the Secretary of State whether a cultural object which is the subject of an application for an export licence is of national importance under the Waverley criteria. The Committee consists of eight members appointed by the Secretary of State for Culture, Media and Sport, each of whom has expertise in one or more fields (paintings, furniture, manuscripts etc). The terms of reference of the Committee and details of the present membership, are given at Appendix D (page 31). Correspondence for the Chairman of the Committee should be sent via the Secretary (see Appendix A on page 27 for details).

What are the Waverley criteria?

29. Objects are assessed against the following three criteria (named after the 1950 committee chaired by Viscount Waverley which was appointed to consider and advise on an export policy). These are:

History	Aesthetics	Scholarship
Is it so closely connected with our history and national life that its departure would be a misfortune?	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>

30. The three Waverley criteria which are used to measure an item's importance are not now nor ever have been in the past mutually exclusive, nor is any one criterion more important than the others. All items that meet the Waverley criteria are designated national treasures, whose departure from the country would be a misfortune. Furthermore the test is fully met by meeting any single criterion. The first is concerned with historical importance, the second with aesthetic importance and the third relates to the object's importance for scholarship. It thus follows, and it is important to be clear, that references to 'Waverley one', 'Waverley two' and 'Waverley three' should not be interpreted as indicating a hierarchical ranking.
31. A revised description of the Waverley criteria set out in the Quinquennial Review of the Reviewing Committee on the Export of Works of Art, published on 8 December 2003, provides a helpful elucidation of the criteria. This is as follows.

I - History

Is it so closely connected with our history and national life that its departure would be a misfortune?

This criterion refers to national treasures whose departure from the country would be a misfortune since they possess outstanding artistic, historical, or archaeological value to this country. This category can include items which have been produced abroad, but which have acquired national importance by association with an important person, location or event. The first criterion was originally intended to catch such objects as the 'Alfred jewel' or the manuscript of Gray's *Elegy* but we interpret it in a somewhat wider context to include items which are of major importance for local history, or which have been part of collections which are of great historical significance, or which are associated with significant historical events, people or places. Examples of 'Waverley History' items have included: the archive of manuscripts relating to the editing of Newton's *Principia Mathematica*, a pair of paintings entitled *View of the Grand Walk, Vauxhall Gardens and the Rotunda, Ranelagh* by Canaletto, a 'jadeite' Neolithic axe-head and a copy of the warrant for the execution of Mary Queen of Scots.

II - Aesthetics

Is it of outstanding aesthetic importance?

This criterion refers to national treasures whose departure from the country would be a misfortune since they possess outstanding aesthetic value. The assessment of outstanding aesthetic importance involves a subjective judgment. The Committee does not restrict this criterion to great works of painting or sculpture. It might, for instance, conclude that an exquisite snuff box met this criterion as well as a painting by Poussin. In the case of works by great artists it may be claimed that anything from the hand of Rembrandt is outstanding. However, the Reviewing Committee is not always swayed by such arguments and may take into account the condition as well as the quality of the work in question and the extent of the damage or restoration to which it may have been subjected. Examples of 'Waverley Aesthetics' items have included the paintings *Venus and Adonis* by Titian, a pair of George II open armchairs by William and John Linnell, Henry Moore's sculpture, *Bird Basket*, a watercolour painting by J M W Turner, *The Blue Rigi, Lake of Lucerne, Sunrise*, the 'jadeite' Neolithic axe-head also listed above and a felt appliqué and patch-worked album coverlet made by Ann West in 1820.

III - Scholarship

Is it of outstanding significance for the study of some particular branch of art, learning or history?

This criterion refers to national treasures whose departure from the country would be a misfortune since they possess outstanding significance for

scholarship. The item might be considered of outstanding significance either on its own account or on account of its connection with a person, place, event, archive, collection or assemblage. Such items serve as benchmarks for assessing other items since they can throw new light on the study of their type. The Reviewing Committee believe that 'learning' in relation to culture should cover a wide number of disciplines e.g. art history, archaeology, ethnography, anthropology, palaeontology (subject to definition of 'fossils'), science, engineering, architecture or literature, etc. We would emphasise that this is an illustrative list and not necessarily a comprehensive one. Examples of 'Waverley Scholarship' items include: a lady's secretaire by Thomas Chippendale, mathematical instruments associated with Charles, Earl Stanhope, three albums comprising photographs of Indian architecture and scenery by Samuel Bourne, Shepherd and Robertson c.1870, a 13th-century gold and sapphire clasp and a 17th-century lead merchant's ledger from the Peak District.

General statement applying to all criteria

The RCEWA may take into account the condition as well as the quality of the item in question and the extent of the damage or restoration to which it may have been subjected.

What happens if my application is referred to the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest?

32. When an export licence application is referred to the Reviewing Committee, you are invited to submit a written statement to the Committee giving reasons why, in your opinion, the object does not satisfy any of the Waverley criteria (if you feel it does not). You may also wish to advance any other arguments as to why the licence should be granted. The Expert Adviser likewise submits a written statement as to why he believes the object satisfies one or more of the Waverley criteria. The Secretary to the Committee ensures that all parties see both statements. A meeting is convened at which the appointed members are usually joined by three independent advisers chosen for their expertise on the object in question. These independent advisers are treated as (temporary) members of the Committee for the application under consideration. Officials from MLA are also present to advise the Committee.
33. At the meeting, there is an opportunity for both you and the Expert Adviser to add to your written statements and to ask questions of each other. The Committee members may also ask each of you some questions. You may be accompanied by any adviser who you feel may help you in relation to some aspect of your case. You will also need to arrange for the object under consideration to be transported to the Committee venue, unless, exceptionally, the Committee agrees to undertake a visit because the object is too large or fragile.
34. Once questions have been answered, you and the Expert Adviser leave the

meeting while the Committee members vote on whether the object satisfies any of the Waverley criteria. If the Committee finds that this is the case, it **recommends** to the Secretary of State that a decision on the licence application should be **deferred** for a specified period to enable an offer to purchase to be made at or above the fair market price, which will also be recommended by the Committee. (Normally an item is deferred for between two and six months although the Committee can recommend a longer or shorter deferral period – see paragraph 36.) If the object does not satisfy one or more of the Waverley criteria, the Committee recommends that the export licence should be granted.

What is the purpose of a deferral period?

35. The purpose in recommending a deferral period is to allow time for an offer to purchase to be made at or above the fair market price to keep an object in the UK. In most cases, such offers are likely to come from public sources (museums, galleries or other heritage bodies such as the National Trust).

How does the Committee decide the length of the deferral period?

36. The Committee has wide discretion. The criteria on which the length of deferral is normally based include:

- the value of the object;
- the likelihood of a fund-raising attempt being launched;
- the proximity of the beginning of the deferral period to a new financial year;
- the proximity of the beginning of the deferral period to the summer and, to a lesser extent, the Christmas and New Year holiday periods;
- whether the owner of an object which has been conditionally exempted from capital taxation has given the requested three months' notice of an intention to sell the object to the Museums, Libraries and Archives Council; and
- whether the owner is willing for the object to be publicly displayed (in appropriate conditions) to assist any fund raising appeal that might arise as a result of a deferral period.

37. The deferral period may consist of a single period of time, known as a 'straight deferral' or a two-stage period, known as a 'split deferral'.

What is a 'straight deferral' period?

38. In the past, the Committee sometimes recommended a straight deferral period, thus recommending that the Secretary of State should defer a decision for a period of time to enable an offer to purchase to be made at or above the fair

market price (also recommended by the Committee). In recent years, however, the Committee has normally recommended a split deferral period.

What is a 'split deferral' period?

39. In a split deferral, the Committee recommends that the Secretary of State should defer a decision for an initial period (two months is the most common) to enable institutions to consider whether they wish to make an offer to purchase the item. If, at the end of the initial period, there is a potential purchaser who shows a **serious intention** of raising funds with a view to making an offer to purchase, the Committee recommends that the Secretary of State should normally extend the deferral period by a further amount of time (usually two, three or four months). The reason the Committee normally recommends a split deferral period is so that if there is no expression of serious interest in purchasing the item and raising the necessary funds at the end of the initial deferral period, the licence may be granted at that point (see paragraph 63).

How does the Committee arrive at a recommended fair market price?

40. The objective of the Committee is to recommend a valuation which is fair and reasonable to the owner and national heritage interests alike by examining carefully the elements included in the valuation. Therefore, you will be asked to provide evidence to support the valuation before the Reviewing Committee meeting, and at the meeting the Committee will normally ask what the value as stated on the application form represents. This valuation is likely to fall into one of three categories:
- the price at which the present owner has bought, either at auction or through a private sale; or
 - the price at which the present owner has agreed to sell (either unconditionally or subject to the granting of an export licence); or
 - an estimated price with supporting evidence, such as recent prices fetched by other important objects in the same field.
41. Without the information requested, the Committee may not be able to consider the case at the meeting and this will cause delay in considering your licence application.
42. In addition to the base price the Committee may include several additional elements in the recommended fair market price. These are:
- buyer's premium;
 - reasonable conservation costs (those incurred by a new owner as being necessary to stabilise the condition of an object); and

- dealer's commission on a sale to a third party (which will not normally include a commission on a sale to a connected party). The Secretary of the Committee can provide further advice on this policy in specific cases.

43. The Committee may also exclude certain elements in arriving at the recommended fair market price. The Committee considers that an overseas purchaser of an object that might satisfy the Waverley criteria should be aware, or should be made aware by his agent, that there is a risk that a decision on the export licence application might be deferred. Such purchasers should be prepared to take account of that risk and, therefore, the following factors are not normally included in the Committee's recommended fair market price:

- interest charges;
- transport and storage costs; and
- insurance costs.

44. To assist the Committee in arriving at a recommended fair market price, you should be prepared at the meeting to answer the Committee's questions in respect of valuation.

What questions are the Committee likely to ask me in relation to valuation?

45. Questions could include the following:

For recent auction sales:

- When was the auction?
- What was the hammer price?
- What does the value on the export licence application represent? Is it the hammer price plus auctioneer's commission inclusive of VAT?

For privately agreed sales and other situations:

For items where the valuation provided represents a privately agreed sale or agreement to sell, you will be asked to provide, in advance of the meeting, the written agreement or a certified copy of it. You will also be asked for confirmation whether the sale agreement is a single transaction or whether the agreement (and in particular the amount payable under it) will be affected by any other existing or subsequent transactions between the owner and the purchaser. For items where the valuation provided represents an estimate, you will be asked to provide, in advance of the meeting, a written explanation of how the value was reached. You may be asked the following questions at the meeting:

- What does the value on the export licence application represent?
- Is there a sale agreement between the owner and the overseas purchaser? If so, what are the payment terms?
- Is the owner in any way connected in business with the overseas purchaser?
- Has the item been sold at auction in the last ten years? If so, when and what was the auction price?
- If the item was bought by a dealer at an auction, was the dealer purchasing for stock or bidding on behalf of the present overseas purchaser?
- If a UK purchaser wishes to buy the item, what would the price be inclusive of VAT, bearing in mind the price you quoted on your export licence application?

46. If the Committee accepts your valuation, the licence application is likely to be deferred at that value.

What will happen if the Committee is not satisfied that the valuation provided is adequately substantiated?

47. If, after hearing your answers to the questions at the meeting, the Committee is not satisfied that the valuation provided is adequately substantiated, it may request you provide further information to dispel any remaining concerns. If the Committee has grounds for considering that there is evidence to substantiate a value other than the value given on the export licence application (for example a recent price at auction, or an agreed sale price that differs from the value on the licence application) it may recommend that the Secretary of State bases the fair matching price on this evidence. If the Committee does not consider that the valuation is adequately substantiated and considers that further independent advice is needed, it may recommend to the Secretary of State that an independent valuation be sought.

How do I get to know the Committee's recommendation?

48. Once the Committee has completed its discussions on the Waverley criteria, deferral period and price, and has voted, you and the Expert Adviser are invited back into the meeting room and are informed of the Committee's recommendation, including, where relevant, the recommended length of the deferral period and the recommended fair market price. You will have been asked in preparation for the hearing whether the owner is prepared to accept an offer at the fair market price (a "matching offer") recommended by the Committee and you will be asked to confirm this. (If a matching offer is refused, the

Secretary of State will normally refuse a licence - see paragraph 53). You are also told which of the criteria the Committee considers have been satisfied. If you have any further questions, they are dealt with at this stage.

What happens to the Committee's recommendation after the Committee meeting?

49. Following the meeting, the Secretariat informs the Secretary of State of the Committee's recommendation. The Secretary of State then makes a decision on the deferral period and fair market price, taking into account the Committee's recommendations. Once the Secretary of State has made a decision, the Secretariat will inform you in writing of that decision. If there is to be a deferral period, this runs from the date of the MLA Press Notice announcing the decision, not the date of the Committee hearing. If the licence is to be granted, it will normally be issued within five working days of receipt of the Secretary of State's decision.

What does the MLA press notice say?

50. The press notice invites interested parties to make an offer to purchase through the Secretary of the Committee. The Notice explains why the object is of national importance and details the length of the deferral period and the fair market price. The press notice is circulated to museums and galleries, the Heritage Lottery Fund, the National Heritage Memorial Fund, the National Art Collections Fund and other interested parties, as well as to the media.

What happens once I have received the Secretary of State's decision on my export licence application?

51. When you receive a letter informing you that the decision on your export licence application has been deferred, you should consider how you wish to proceed and/or advise the owner accordingly. Any offers will be communicated to you through the Secretary of the Committee, as will any serious intention to raise funds with a view to making an offer to purchase where there is a split deferral period.

What happens when a deferral period is extended into the second period?

52. If the deferral period is extended as a result of a potential purchaser's serious intention of raising funds with a view to making an offer to purchase (see paragraph 39), the Secretary of the Committee will write to you informing you and asking you to complete a form confirming that the owner is still prepared to accept a matching offer. Failure to complete and return a confirmation form will be assumed to indicate an unwillingness to accept a matching offer.

What happens if I receive an offer to purchase from a public body?

53. If an owner receives an offer to purchase from a public body, he or she is free to

accept or reject it. (See paragraph 55 for definition of a public body.) There is no compulsion on an owner to sell. However, where an owner does not accept an offer from a public body, the Secretary of State will take the existence of the offer into account when making a decision on the licence application, and will normally refuse a licence. Similarly, where an owner makes known his or her intention to refuse an offer from a public source, the Secretary of State will normally refuse a licence.

54. It is for the Secretary of State to decide if a body is a public body for the purposes of this guidance. Broadly speaking, this will be if the body is listed below. This list is not exhaustive, but does indicate the sort of body that the Secretary of State is likely to treat as a public body.
55. The National Gallery; The British Museum; The National Museums of Scotland; The National Museums and Galleries of Wales; The National Museums of Northern Ireland and other national museums and galleries:
 - any museum or art gallery in the UK which exists wholly or mainly for the purpose of preserving for the public benefit a collection of scientific, historic or artistic interest and is maintained by a local authority or university in the UK;
 - any library the main function of which is to serve the needs of teaching and research at a university in the UK;
 - English Heritage (officially known as the Historic Buildings and Monuments Commission for England); the National Trust; the National Trust for Scotland; the Art Fund (formerly known as the National Art Collections Fund); the Trustees of the National Heritage Memorial Fund; the Friends of the National Libraries; the National Churches Trust (formerly known as the Historic Churches Preservation Trust); Natural England (formerly known as the Nature Conservancy Council);
 - any local authority (including National Park Authorities); and
 - any Government department; any university or university college in the UK.

What happens if I receive a private offer to purchase?

56. If an owner receives a private offer to purchase, again he or she is free to accept or reject it. There is no compulsion on an owner to sell. However, where an owner does not accept an offer from a private source, the Secretary of State will determine whether to grant the licence. In so doing, the Secretary of State will normally take the existence of an offer into account only where the private offer is combined with a signed undertaking that the offeror guarantees reasonable public access and satisfactory conservation and security arrangements. It is for the Secretary of State to decide whether the undertaking is adequate, but as a

guideline, the following will be expected:

- a) reasonable public access to the object in a public institution. As a guideline, access for a minimum of 100 days a year (except in exceptional circumstances) will normally be considered to constitute reasonable public access;
- b) satisfactory conservation conditions and security arrangements;
- c) agreement not to part with ownership within five years without obtaining an undertaking from the purchaser guaranteeing comparable requirements on access, conservation, security and re-sale; and
- d) confirmation by the public body concerned that it will facilitate the access guaranteed by the undertaking.

57. Copies of the undertaking should be supplied to the secretariat.

58. Where a private offer is combined with such an undertaking, the Secretary of State will normally take this offer into account when deciding whether or not to issue an export licence. This means that if the owner refuses the offer, the licence application will normally be refused. If no undertaking is given, the Secretary of State will not take the existence of the offer into account and will normally grant an export licence.

How do I go about arranging such an undertaking with a public body?

59. You can, of course, approach a public body direct. Alternatively, the person appointed as Champion for the case may be able to help you with this. The Reviewing Committee Secretariat will be able to provide you with contact details for the Champion.

What happens if I accept an offer to purchase?

60. If you accept an offer to purchase, from either a public body or private source, your licence application will automatically be treated as withdrawn.

What happens if I withdraw my application after receiving an offer to purchase from a public source?

61. You are likely to be considered to have refused the purchase offer. Any subsequent licence application will normally be treated as if there had been a licence refusal and the procedures in paragraphs 69-72 will apply.

What happens if I receive both a public offer and a private offer with the undertaking as set out in paragraph 56?

62. You are free to choose between the offers made to you. The Secretary of State

hopes that you will accept the offer which provides the greater public benefit.

What happens if I do not receive an offer to purchase?

63. If you do not receive an offer to purchase, your export licence will normally be granted at the end of the deferral period, (or possibly earlier if a split deferral applies – see paragraph 39) although in some circumstances the Secretary of State may decide to defer a decision on your licence application for a further period.

In what circumstances has the Secretary of State decided to defer a licence for a further period?

64. There have been cases where the Secretary of State has agreed to a further deferral period at the end of the deferral period originally set where a public body attempting to acquire the object had a real possibility of finding the outstanding funds required for purchase. However, additional deferral periods are rare and normally only granted where there is a reasonably certain prospect of raising the residual sum within a prescribed timescale.

Who is the ultimate authority to decide whether I get an export licence?

65. The Reviewing Committee only provides advice and recommendations to the Secretary of State. It is for the Secretary of State to make a decision on your licence application. The Secretary of State has discretion when making decisions on licence applications, but that discretion must be exercised reasonably.

Which offers, in the context of paragraphs 53-58, will the Secretary of State take into account when making a decision on an export licence application?

66. When making a decision on an export licence application in the context of paragraphs 53-58, the Secretary of State will take into account the existence of a **compensating offer to purchase**. A compensating offer should not normally disadvantage owners, or put them in a worse position than they would have been in had they accepted a fair market price. An offer from a public body under the private treaty sale arrangements for less than the recommended fair market price can, in certain circumstances, be considered to be a compensating offer to purchase.

What are the private treaty sale arrangements?

67. A private treaty sale of a cultural object to a qualifying public body may be exempt from capital taxation. Where the exemption does apply, the vendor will receive the sale proceeds without any liability to tax. If applicable, a tax exemption on sale proceeds can enable a purchasing public body to make (and the Secretary of State to take into account as an effective compensating offer) an offer which is lower than the fair market price (ie the fair market price less the

allowance against capital taxation). These tax concessions are not available on private treaty sales to private purchasers.

68. This is only a general outline of the arrangements that exist for a private treaty sale of a cultural object to qualifying public bodies. For further information contact your local HM Revenue and Customs tax office (telephone number in the Yellow Pages).

What happens if an export licence has been refused in the past and I wish to re-apply for a licence?

69. Where a subsequent application is made for a licence to export an object of Waverley standard belonging to a person who, at the time of the first application, refused (or declined to consider) an offer to purchase, it will be subject to the normal licensing procedures as set out in this notice. If the Expert Adviser objects to the granting of the licence under the Waverley criteria, the application will be referred to the Reviewing Committee for consideration as to whether the object still satisfies the Waverley criteria.
70. If a subsequent application is being made within ten years or so of a licence application which was refused, the applicant for the fresh licence should include, in his written statement to the Committee, details of any change of circumstances since the earlier application, or other arguments in support of the new application. In particular, the applicant should set out any arguments he wishes to advance as to why the Committee should not recommend a further licence refusal, without a deferral period, given the history of the previous application (assuming the object is still found to be of Waverley standard). If the Committee sees no change of circumstances to justify recommending approval of the licence, it will normally recommend that the licence be refused without a deferral period.
71. If the applicant argues that, since the previous application, the owner has made the object available for sale to a public body (or a private owner within the context of paragraph 56), the Committee can advise on all relevant factors, such as whether the price was reasonable, the identity of the prospective purchaser, the time since the offer and the time since the previous licence refusal. The Secretary of State will take these into account. If there has been no such purchase offer, the Secretary of State will take this into account when making a decision, but it will not necessarily be a decisive factor.
72. An application by, or on behalf of, a person closely connected with the person who was the owner at the time of the earlier application (for example the spouse of the previous owner or a company controlled by the previous owner) will normally be treated in accordance with paragraphs 69-71.

To whom should I speak if I am not content with the handling of my licence application?

73. Staff in the Export Licensing Unit and the Reviewing Committee Secretariat are happy to answer queries by telephone about export licensing. We encourage people to contact us about any problems so that we can try to remedy them. If you are not happy with the service provided, please tell the person who is dealing with your enquiry why you are dissatisfied with the way in which this is being handled. He or she will try and address the problem there and then or refer you to someone who can help. Alternatively, you can contact a member of staff in the Support Services Team. If you want to do this in writing, address your letter to the Company Secretary, MLA, Wellcome Wolfson Building, 165 Queen's Gate, London SW7 5HD. Telephone: 020 7273 1427 or email: customer.services@mla.gov.uk If you are not happy with the response to your complaint, you can ask for a review of how it has been dealt with by the Office of the Chief Executive. The address is the same as for the Support Services Team. Telephone: 020 7273 1444 or email: roy.clare@mla.gov.uk
74. You can seek to have your complaint reviewed by the Parliamentary Ombudsman, an officer of the House of Commons who is wholly independent of the government, at any time, by asking your MP to put your complaint to the Ombudsman.

What is the Advisory Council on the Export of Works of Art?

75. The Reviewing Committee is guided in its policy advice by the membership of the Advisory Council on the Export of Works of Art. The Council was established to provide a forum for the discussion of the principles and operation of the export control system and usually meets once a year. Museums and galleries, representatives of art trade organisations and various 'heritage' bodies are represented on the Council. A full list of members is at Appendix E (page 34).

Can I get an advance ruling from an Expert Adviser or the Reviewing Committee on whether my object meets the Waverley criteria?

76. No. The recommendations of the Reviewing Committee cannot be pre-judged. Each licence application is treated on its own merits.

Does the Reviewing Committee publish details of its past recommendations?

77. Yes. The Reviewing Committee has an Annual Report which is published by the Stationery Office Publications Centre (see Appendix C page 30). The Report, which is presented to Parliament, outlines the Committee's policy discussions and gives detailed accounts of the cases considered.

What further guidance is available from the Acquisition, Export and Loans Unit?

78. The following guidance is available free of charge:
Guidance to Exporters of Cultural Goods, DCMS, March 2003

What guidance is available on the internet?

79. This guidance and *Guidance to Exporters of Cultural Goods* are on the MLA website:

http://www.mla.gov.uk/what/cultural/export/export_licensing

80. Notes of Reviewing Committee case hearings, together with associated papers, are on the on the MLA website:

http://www.mla.gov.uk/what/cultural/export/reviewing_cttee

81. MLA Press Notices about export licensing decisions are on the MLA website:

http://www.mla.gov.uk/what/cultural/export/reviewing_cttee

From whom can I obtain further copies of this guidance?

82. Contact the Export Licensing Unit on 020 7273 8265/66/67/73.

Table 1: Objects excluded from the export control (referred to in paragraph 3)

How to use this table

If you intend to export an item which falls fully within one of the categories described below, an export licence application is **not** required for the destination shown in the heading:

For any destination:

category of item

1. Postage stamps and other articles of philatelic interest.

For a despatch to another EU Member State:

category of item

2. Birth, marriage or death certificates or other documents relating to the personal affairs of the exporter or the spouse of the exporter.
3. Letters or other writings written by or to the exporter or the spouse of the exporter.
4. Any object exported by, and being the personal property of, the manufacturer or producer thereof (does not apply to companies), or the spouse, widow or widower of that person.
5. Any object less than 50 years of age at the time of export.

For an export to a destination outside the EU:

category of item

6. Letters or other writings written by or to the exporter or the spouse of the exporter.

Any object less than 50 years of age at the time of export.

Flow chart

(as referred to in paragraphs 4-8)

What type of licence do I require for export?

(Please ensure that you read any relevant footnotes and take account of the age limits applicable in Tables 2 and 3 on pages 23 to 24.)

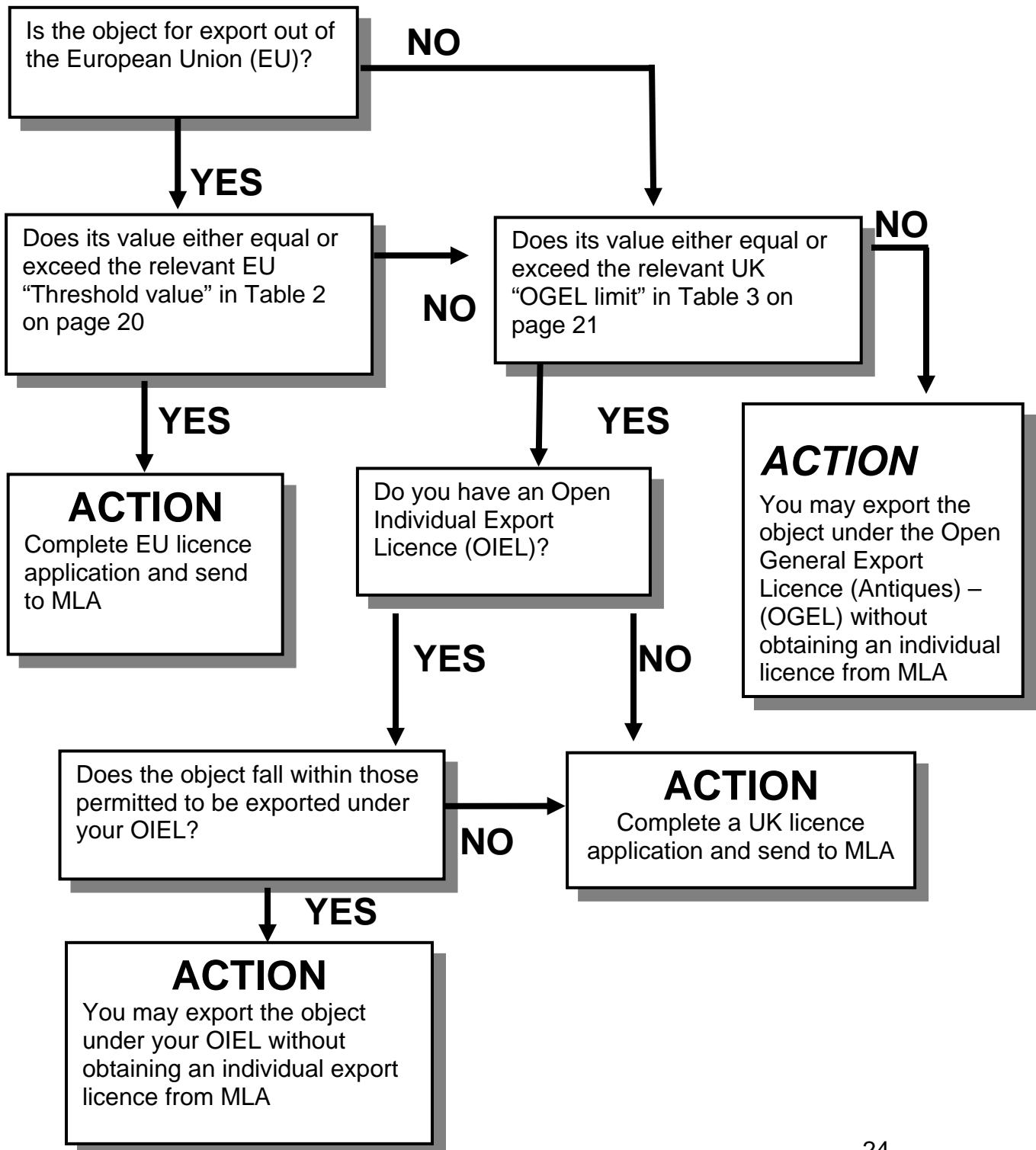


Table 2: EU categories for the export of cultural goods

Category of cultural object	Threshold value
1. Archaeological objects more than 100 years old which are the products of: <ul style="list-style-type: none"> • excavations and finds on land or under water • archaeological sites • archaeological collection 	£ Zero
2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, of an age exceeding 100 years	£ Zero
3. Pictures and paintings, other than those included in category 3A or 4, executed entirely by hand in any medium and on any material ⁽¹⁾	£ 121,590
3A. Water-colours, gouaches and pastels executed entirely by hand on any material ⁽¹⁾	£ 24,320
4. Mosaics in any material executed entirely by hand, other than those falling in categories 1 or 2, and drawings in any medium executed entirely by hand on any material ⁽¹⁾	£ 12,160
5. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters ⁽¹⁾	£ 12,160
6. Original sculptures or statuary and copies produced by the same process as the original ⁽¹⁾ , other than those in category 1	£ 40,530
7. Photographs, films and negatives thereof ⁽¹⁾	£ 12,160
8. Incunabula and manuscripts, including maps and musical scores, singly or in collections ⁽¹⁾	£ Zero
9. Books more than 100 years old, singly or in collections	£ 40,530
10. Printed maps more than 200 years old	£ 12,160
11. Archives, and any elements thereof, of any kind or any medium which are more than 50 years old	£ Zero
12. (a) Collections ⁽²⁾ and specimens from zoological, botanical, mineralogical or anatomical collections; (b) Collections ⁽²⁾ of historical, palaeontological, ethnographic or numismatic interest	£ 40,530
13. Means of transport more than 75 years old	£ 40,530
14. Any other antique items not included in categories 1 to 13 more than 50 years old ⁽³⁾ .	£ 40,530

¹ Which are more than 50 years old and do not belong to their originators

² As defined by the Court of Justice in its judgement in Case 252/84, as follows: 'Collectors' pieces within the meaning of heading No 97.05 of the Common Customs Tariff are articles which possess the requisite characteristics for inclusion in a collection, that is to say, articles which are relatively rare, are not normally used for their original purpose, are the subject of special transactions outside the normal trade in similar utility articles and are of high value.

³ Please note that Archaeological objects between 50 – 99 years old, Elements forming an integral part of artistic, historical or religious monuments which have been dismembered between 50 – 99 years old, Books between 50 – 99 years old, Printed Maps between 50 – 199 years old and Means of transport between 50 – 74 years old do not require an individual EC licence for export to a non-EU destination. However, these objects may require an individual UK licence for export to a non-EU destination. Please refer to Table 3 on page 17 to see if it would require an individual UK licence.

Table 3: OGEL limits for the export of cultural goods

Category of Object	OGEL limit
1. Any item over 50 years of age (excluding objects listed in categories 2-10 below) ⁴	£ 65,000
2. Archaeological material found in UK soil or UK territorial waters over 50 years of age	£ Zero
3. Manuscripts, documents and archives (excluding printed matter) ⁵ over 50 years of age	£ Zero
4. Architectural, scientific and engineering drawings produced by hand over 50 years of age	£ Zero
5. A photographic positive or negative or any assemblage of such photographs over 50 years of age	£10,000
6. A textile (excluding carpets and tapestries) over 50 years of age	£12,000
7. A portrait or likeness of a British Historical Person ⁶ over 50 years of age	£10,000
8. A firearm over 100 years of age and any other arms or armour ⁷	£ 35,000
9. A firearm between 50 and 100 years of age ⁴	£ 65,000
10. A painting in oil or tempera (excluding portraits of British Historical Persons) over 50 years of age	£180,000

⁴ **An individual export licence is not required to export goods to another EU Member State for the following:**

- i. musical instruments exported for less than 3 months by a professional musician for use in the course of work;
- ii. musical instruments exported following importation for less than 3 months by a professional musician for use in the course of work;
- iii. motor vehicles (other than those designed or adapted for military or paramilitary use) exported for less than 3 months for use for pleasure purposes;
- iv. foreign registered motor vehicles (other than those designed or adapted for military or paramilitary use) exported following importation for less than 3 months for pleasure purposes.

An individual export licence is not required to export goods to a non-EU destination for the following:

- v. motor vehicles more than 50 and less than 75 years of age (other than those designed or adapted for military or paramilitary use) exported for less than 3 months for use for pleasure purposes;
- vi. foreign registered motor vehicles more than 50 and less than 75 years of age (other than those designed or adapted for military or paramilitary use) exported following importation for less than 3 months for pleasure purposes.

⁵ Before considering submitting a licence application for manorial documents, applicants must consult the Secretary of the Royal Commission on Historical Manuscripts (RCHM) on whether the Master of the Rolls will consent to their export.

⁶ A British Historical person is someone listed in the *Dictionary of National Biography*, *Who's Who*, or *Who was Who*.

⁷ A Department of Trade and Industry export licence may be required for cultural goods classified as firearms, military or paramilitary equipment manufactured or produced less than 100 years before the date of exportation, regardless of monetary value.

Appendix A

Export Licensing Unit and the Secretariat to the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

Export Licensing Unit

Address licence applications to:

**Export Licensing Unit
Museums, Libraries and Archives Council
Wellcome Wolfson Building
165 Queen's Gate
London
SW7 5HD**

Telephone numbers: (020) 7273 (then number as shown below – direct dialling)

Export Licensing Assistants

Laurence Counter	8269
Laura Lupska	8267
James Macmillan	8265

Export Licensing Officers

Margaret Cates	8266
James Morrison	8273

Export Licensing Manager

Anastasia Tennant (interim)	8271
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Fax	1424
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Secretariat to the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

Address export policy questions and correspondence for the Reviewing Committee to:

**The Secretary
Reviewing Committee on the Export of Works of Art
Museums Libraries and Archives Council
Wellcome Wolfson Building
165 Queen's Gate
London
SW7 5HD**

Telephone numbers: (020) 7273 (then number as shown below – direct dialling)

Secretary

Frances Wilson 8270

Assistant Secretary

Henry Yallop 8268

Fax 1424

Appendix B

Member States and territories of the European Union

Member States of the European Union (EU) are:

Austria	Germany	The Netherlands
Belgium	Greece	Poland
Bulgaria	Hungary	Portugal
Cyprus	Ireland	Romania
Czech Republic	Italy	Slovakia
Denmark	Latvia	Slovenia
Estonia	Lithuania	Spain
Finland	Luxembourg	Sweden
France	Malta	United Kingdom

The following territories are also in the EU for export licensing purposes:

Andorra

Canary Islands

Channel Islands (**see note**)

French Overseas Departments of Guadeloupe, French Guiana, Martinique, and Reunion.

Monaco

Mount Athos (Greece)

Note

The policy in respect of the referral of applications to Expert Advisers is set out in paragraphs 8 and 9. For the purpose of Paragraph 9, the Channel Islands are regarded as part of the UK. Therefore, objects which have arrived in the UK within the last 50 years from the Channel Islands are normally referred to an Expert Adviser for scrutiny as to national importance.

Appendix C

Useful addresses:

TSO (The Stationery Office)

PO Box 29

Norwich

NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

Email: book.orders@tso.co.uk

Animal Health CITES Team

1/17 Temple Quay House

2 The Square

Temple Quay

Bristol

BS1 6EB

General enquiries: 0117 372 8774

Email: wildlife.licensing@animalhealth.gsi.gov.uk

Website: <http://www.defra.gov.uk/animalhealth/CITES>

Export Control Organisation

Department for Business, Enterprise and Regulatory Reform

3rd Floor

1 Victoria Street

London

SW1H 0ET

Telephone: 020 7215 4594

Fax: 020 7215 2635

Email: eco.help@berr.gsi.gov.uk

Website: <http://www.berr.gov.uk/whatwedo/europeandtrade/strategic-export-control>

The Secretary of the Royal Commission on Historical Manuscripts

National Advisory Services

The National Archives

Kew

Richmond

Surrey TW9 4DU

Telephone: 020 8392 5330 x 2619

Fax: 020 8487 1970

Email: nas@nationalarchives.gov.uk

Website: <http://www.nationalarchives.gov.uk>

<http://www.nationalarchives.gov.uk/policy/other/manorial.htm>

Appendix D

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

Terms of reference

The Committee was established on 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;
- (c) to advise in cases where a special Exchequer grant is needed towards the purchase of an object that would otherwise be exported.

Membership

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

LORD INGLEWOOD (CHAIRMAN)

Lord Inglewood, previously Richard Vane, has been called to the Bar and is also a Chartered Surveyor. Between 1989-1994 and 1999-2004 he was Conservative Spokesman on Legal Affairs in the European Parliament. He has chaired the Development Control Committee of the Lake District Planning Board and is Chairman of Cumbrian Newspaper Group, and of Carr's Milling Industries plc. He was Parliamentary Under Secretary of State in the Department of National Heritage between 1995-97. In 1999 he was elected an hereditary member of the House of Lords, and a fellow of the Society of Antiquaries (FSA) in 2003. He owns and lives at Hutton-in-the-Forest, his family's historic house in Cumbria.

Appointed 1 December 2003: appointment expires on 30 November 2011

PROFESSOR DAVID EKSERDJIAN

Professor of the History of Art and Film, University of Leicester. He is an expert on Italian renaissance paintings and drawings and the author of *Correggio* (1997)

and *Parmigianino* (2006). Formerly a Fellow of Balliol College Oxford (1983-86) and Corpus Christi College, Oxford (1987-91), he worked in the Old Master Paintings and Master Drawings departments at Christie's in London from 1991-1997, and, in addition, from 1992 was Head of European Sculpture and Works of Art Department there. He was editor of *Apollo* magazine from 1997-2004. He has organised and contributed to the catalogues of numerous exhibitions, including *Old Master Paintings from the Thyssen-Bornemisza Collection* (Royal Academy 1988) and *Andrea Mantegna* (Royal Academy, London and Metropolitan Museum of Art, New York, 1992). In 2004, he was made an Honorary Citizen of the town of Correggio. In September 2006, he became a Trustee of the National Gallery.

Appointed 14 November 2002: appointment expires 12 November 2010

JOHNNY VAN HAEFTEN

Chairman and Managing Director of Johnny Van Haeften Ltd, the gallery specialising in 17th-century Dutch and Flemish Old Master pictures, which he has run for thirty years, since leaving Christie's. He is also on the Board of Trustees and the Executive Committee of The European Fine Art Foundation and is an advisor to the Fine Art Fund. He was Vice Chairman of the Society of London Art Dealers, a former council member of the British Antique Dealers Association, and a former Chairman of Pictura, the pictures section of the European Fine Art Fair in Maastricht.

Appointed 28 June 2001: appointment expires on 2 June 2011

SIMON SWYNFEN JERVIS

Currently a Director and Trustee of the Burlington Magazine, Chairman of the Furniture History Society, Chairman of the Walpole Society and Chairman of the Leche Trust. He previously held the posts of Acting Keeper and then Curator of the Department of Furniture at the Victoria & Albert Museum, before becoming Director of the Fitzwilliam Museum, Cambridge (1989 to 1995). He then served as Director of Historic Buildings at the National Trust (1995 to 2002). He is also an Honorary Vice-President of the Society of Antiquaries of London, a Life Trustee and Chairman of the Trustees of Sir John Soane's Museum and a member of the Advisory Council of the Art Fund.

Appointed 10 April 2007: appointment expires on 9 April 2011

DR CATHERINE JOHNS

Former curator of the Romano-British collections at the British Museum. She trained in prehistoric and Roman Archaeology, and has published and lectured extensively, especially on Roman provincial art, jewellery and silver. Her publications include *Sex or Symbol; erotic images of Greece and Rome* (1982), *The jewellery of Roman Britain* (1996), *Horses; History, Myth, Art* (2006), *Dogs; History, Myth, Art* (2008), museum catalogues of Roman treasure finds, and more than 100 articles in scholarly journals. She has served on the committees

of the Society of Antiquaries, the Roman Society, and the British Archaeological Association, and is a former Chair of the Society of Jewellery Historians.

Appointed 19 February 2003: appointment expires on 17 February 2011

TIM KNOX

Director of Sir John Soane's Museum from 1 May 2005. Head Curator of the National Trust from 2002 – 2005 and its Architectural Historian previously. Between 1989 and 1995 he was Assistant Curator at the Royal Institute of British Architects Drawings Collection. He is a Trustee of the Pilgrim Trust and of the Stowe House Preservation Trust. He was appointed Historic Buildings Adviser to the Foreign and Commonwealth Office in 2005 and is a member of the Conseil scientifique de l'établissement public du musée et du domaine national de Versailles. He was a founding member of the Mausolea and Monuments Trust, and its Chairman 2000-2005. He regularly lectures and writes on aspects of architecture, sculpture and the history of collecting.

Appointed 14 March 2002: appointment expires 13 March 2009

PROFESSOR PAMELA ROBERTSON

Senior Curator of the Hunterian Art Gallery, University of Glasgow (since 1998). She was appointed Professor of Mackintosh Studies in 2003. She is a Fellow of the Royal Society of Edinburgh, a Governor of the Glasgow School of Art, and a Vice-Convenor of the Interiors and Collections Advisory Panel of the National Trust for Scotland. Previously, she was a member of the Historic Buildings Council for Scotland (1998 to 2002) and Chair of the Charles Rennie Mackintosh Society (2003–2006). She has organised a range of exhibitions and her publications include *Charles Rennie Mackintosh: The Architectural Papers* (ed. 1990); *Charles Rennie Mackintosh: Art is the Flower* (1995); *The Chronycle: The Letters of C.R. Mackintosh to Margaret Macdonald Mackintosh* (2001) and *Doves and Dreams: The Art of Frances Macdonald and J. Herbert McNair* (2006).

Appointed 2 December 2003: appointment expires on 20 November 2011

DR CHRISTOPHER WRIGHT

Dr Christopher Wright joined the Department of Manuscripts, British Library, in 1974 and was Head of Manuscripts from 2003 until his retirement in October 2005. He is a Fellow of the Society of Antiquaries (2002) and a Fellow of the Royal Historical Society (1982). His publications include *George III* (2005) and, as editor, *Sir Robert Cotton as Collector: Essays on an Early Stuart Courtier* (1997). From 1989 to 1999, he was editor of the *British Library Journal*. He served as a Trustee of the Sir Winston Churchill Archives Trust, Cambridge (2001 to 2005) and was on the Council of the Friends of the National Libraries (2003 to 2006). From August 2005 he has been a Trustee of 'The Handwriting of Italian Humanists'. In October 2005, he was appointed to the Acceptance in Lieu Panel of the Museums Libraries and Archives Council.

Appointed 20 November 2006: appointment expires on 19 November 2010

Appendix E

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

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

- (a) the independent members of the Reviewing Committee *ex officio*;
- (b) the departmental assessors on the Reviewing Committee (that is representatives of the Department for Culture, Media and Sport, Department of Trade and Industry, HM Treasury, Foreign and Commonwealth Office, HM Revenue and Customs, Scottish Executive Department for Culture, National Assembly for Wales Department for Culture and the Northern Ireland Department for Culture);
- (c) the Directors of the English and Scottish national collections, the National Museum of Wales, the Ulster Museum, and the Librarians of the National Libraries of Wales and Scotland;
- (d) the Expert Advisers to whom applications for export licences are referred, other than those who are members by virtue of (c) above;
- (e) eight representatives of non-grant aided museums and galleries in England, Scotland, Wales and Northern Ireland, nominated by the Museums Association;
- (f) representatives of the:

- Arts Council of 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
- National Archives
- National Archives of Scotland
- National Art Collections Fund (Art Fund)
- National Fund for Acquisitions
- National Heritage Memorial Fund
- National Trust
- National Trust for Scotland
- Pilgrim Trust
- MLA PRISM Grant Fund for the Preservation of Scientific and Industrial Material

MLA/Victoria and Albert Museum Purchase Grant Fund

(g) representatives of the:

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
Museums, Libraries and Archives Council (MLA)
Royal Academy of Arts
Royal Historical Society
Royal Scottish Academy
Scottish Records Association
Society of Antiquaries of London
Society of Archivists
Standing Conference of National and University Libraries

(h) 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 London Art Dealers (two)
Society of Fine Art Auctioneers
Sotheby's

Appendix F

Standard formats for digital copies of manuscripts

Originals should be digitally captured to create a master image that should be at least of the same legibility as the original. A good quality scanner or digital camera will normally generate images of sufficient quality. The following standards apply:

- Where images are generated using a flatbed scanner the digital image must be at a minimum resolution of 300 pixels per inch.
- For images created using a digital camera, the camera used should have a minimum specification of 6 megapixels, although 8 megapixels are recommended.
- The image must be in colour or greyscale.
- The files must be submitted in uncompressed .tiff format.
- A clear ruler should be placed on one edge of the image with the scale clearly shown.
- Files must be named so that each of them is uniquely identified. This can be done using the name of the collection with a sequential number for each image captured. For example each image in the collection Styles Family letters could be named stylesletter0001.tif, stylesletter0002.tif etc. Software is available that automatically generates file names like these.
- The files must be submitted on a DVD or CD. The disc and case should be clearly labelled.
- An electronic file containing information about the images should be supplied with the image files. This must be at least to the standard of a sale catalogue description of the item. Where this is a collection the description should provide details of individual volumes and groups of letters. A table is attached as an example of the form this file should take.

Note

All digital images submitted as copies of manuscripts must be accompanied by a signed and dated declaration to state that the images meet the standards set out above.

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