

The World Reborn: How Heritage was Saved After the Second World War and the Lessons for Today

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Summary: In this essay, Andrew Hochhauser reflects on the role of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest (RCEWA) from its origins in the post-war Waverley report to today. As the essay outlines, the RCEWA has been a crucial, and adaptable, asset for the preservation of the UK's cultural landscape.

2025 marks the 75th anniversary of two pivotal moments in UK cultural heritage policy: the publication of the Gowers Report on the preservation of historic houses and the establishment of the Waverley Committee. The Waverley Committee, in particular, laid the groundwork for a comprehensive UK-wide export control system for works of art, leading directly to the formation of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest ("RCEWA"). This paper outlines the origins of the Waverley Committee and the creation of the RCEWA. It will also cover the export licensing process, the Waverley Criteria, recent changes to the process, statistical insights, and the system's impact. I will conclude with present-day challenges facing the system.

Before the Second World War, there were no restrictions on the export of art from the UK except for modest duties on certain classes of imports; both exports and imports of works of art and cultural objects were entirely free.

In 1911, the Trustees of the National Gallery set up a committee, chaired by Earl Curzon, to consider how important paintings might be retained in the UK. The outbreak of the First World War, however, prevented the adoption of any of these recommendations.

The Import, Export and Customs Powers (Defence) Act 1939 was enacted as emergency legislation, and it was a wartime measure, intended primarily to safeguard the nation's resources in foreign exchange and at the same time to protect the flow of capital abroad. Originally intended to remain in force only for the duration of the emergency, it was not superseded until the beginning of the 21st Century with the passing of the Export Control Act 2002 and the Export of Objects of Cultural Interest (Control) Order 2003.

Following the war, as well as rebuilding following material destruction, the UK experienced economic austerity and a reassessment of its national identity and cultural heritage, both of which faced unprecedented challenges. Concerns over the loss of significant cultural artefacts to overseas buyers led to the Chancellor of the Exchequer appointing a Committee under the Chairmanship of Lord Waverley in 1950.

The Committee's remit was:

'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 held 30 meetings and received oral and written evidence from several individuals and relevant heritage bodies. The report was published in September 1952.

The Committee found the control system, originating from the 1939-45 War, to be ineffective in safeguarding national treasures. It was uncertain, unfair, and arbitrary, adversely impacting trade and international relations while encouraging fraud. It was over-centralised, and neglected local institutions' needs and generated unnecessary work, ultimately failing in its purpose. In short, it found that it needed an overhaul.

The Committee's Recommendations

The report of the Waverley Committee recommended the establishment of a framework that would allow the government to delay the export of certain works of art to allow UK institutions time to raise funds to match overseas offers.

The report proposed that a system of export control would be most effective if it were applied to a limited number of items of national importance, determined by age, value, and the length of time the object had been in the UK. It determined that the assessment of national treasures should be based on three criteria, which became known as the "Waverley criteria". The criteria are not mutually exclusive and no one criterion is more important than the others.

It was also recommended that national treasures, that would otherwise be exported, should be given a special grant upon the recommendation of the RCEWA. The Report emphasised the need for cooperation between those managing national collections and owners or dealers, aiming to keep national treasures in the UK without state intervention.

While the recommendations acknowledged the rights of private owners, they reflected a post-war consensus that cultural heritage was a national asset

deserving of public protection.

This framework has since shaped the UK's approach to export licensing and continues to influence how national cultural priorities are assessed.

Temporary and permanent export licences for cultural goods are issued on behalf of the Secretary of State for DCMS by the Export Licensing Unit at the Arts Council. This system is designed to strike a balance, as fairly as possible, between the various interests concerned in any application for an export licence: the protection of national treasures; 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.

Under the 2003 Order, any objects of cultural interest manufactured or produced more than 50 years before the date of exportation are prohibited from export except under the authority of a licence granted by the Secretary of State unless they are exempted

From the objects requiring a licence, only objects that have been in the UK for the past 50 years will normally be referred to an expert adviser for assessment. These advisers are usually the relevant curators in the UK national museums for each category of cultural object.

If an expert adviser objects to the export, unless it is withdrawn beforehand, the application is referred to the RCEWA. Around 29,000 items per year receive licences after expert advisers consider them, and only around 18 per year are considered by the Committee, which illustrates the low impact of the scheme on the Art Market.

An object deemed a national treasure by the RCEWA can only receive a temporary export license for public display, with no possible extensions. It must be returned to the UK after the designated period, effectively closing loopholes that allowed treasures to remain abroad for extended periods.

The RCEWA

The RCEWA was established in 1952 after the Waverley Report, succeeding a 1949 committee that handled export licence refusal appeals. It advises the Secretary of State for the Department for Culture, Media and Sport on whether cultural objects intended for export are national treasures.

The committee, a non-statutory advisory Non-Departmental Public Body, has eight permanent members appointed by the Secretary of State, including a Chair. Arts Council England provides its Secretariat.

The Committee's membership follows the Report's recommendations, consisting of seven members led by an experienced independent chairman with a recognised interest in art and learning. To enhance its independence, three independent members (now known as assessors) join the eight permanent members, on a temporary basis, for each meeting, selected for their academic or commercial expertise in the object.

Members of the RCEWA are drawn from across the UK, and have expertise in one or more fields (paintings, decorative arts, archaeology, manuscripts etc), to ensure that the RCEWA has a broad range of experience with which to consider individual items brought before it and to provide policy advice to the Secretary of State. One member of the RCEWA is traditionally connected with Scotland, and at least one other with the art trade. A member is also appointed to provide expertise in the field of manuscripts and documents, and this person chairs the Working Party on Manuscripts, Documents and Archives, which meets annually and advises the RCEWA on policy relating to this field.

The RCEWA is guided in its consideration of policy issues by the Advisory Council on the Export of Works of Art, which was also a recommendation from the Waverley Report. The Council contains representatives from museums and galleries, art trade organisations and various heritage bodies, and it provides an annual forum for the discussion of the principles and operation of the export control system and considers the policy section of the Committee's annual report.

A report is published each year containing details of the cases considered during the past year, any changes to its procedures and general observations on the running of the export control system.

The Waverley Report set the purpose of the RCEWA, and its terms of reference have, in essence, remained unchanged. Currently, the RCEWA meets monthly to consider cases referred by expert advisers to determine if an object meets the Waverley criteria. After the objection is raised, the applicant and expert adviser may submit statements supporting retention in the UK or export, which are shared with all parties before the hearing.

The hearings are confidential and give the applicant and the expert adviser an equal opportunity to make their respective cases. The RCEWA may pose factual questions before inviting the applicant and expert to withdraw and vote on whether the object meets the Waverley criteria. The majority rules and, in the case of a tie, the Chairman has the deciding vote.

In its discussion, the RCEWA does not consider potential buyers, funding or the object's destination. It also does not make a judgment on provenance. If the criteria are met, the RCEWA sets a fair market price and deferral period to recommend to the Minister.

It is important to note that the RCEWA is not a valuation Committee. Its objective is to recommend a fair valuation for both the owner and national heritage by carefully examining the proposed elements. A process ensures the applicant provides sufficient evidence to support their valuation. The Committee can also utilise the expertise of its members and independent assessors. If the evidence is inadequate, they may recommend an independent valuation process to the Secretary of State.

Following the hearing, the RCEWA submits its recommendation to the Secretary of State, who has ultimate discretion on the decision. The applicant can also present additional arguments to the Minister, who can consider factors beyond the Waverley Criteria. After the Minister's decision is announced in a press release inviting expressions of interest, a summary of each case is published on the RCEWA's website.

The Waverley Criteria

The Waverley Report laid out three fundamental criteria— known as the Waverley Criteria—for determining whether an object should be considered of national importance:

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

An object does not need to meet all three; meeting just one may be sufficient for a case to proceed. These criteria provide a balanced framework, taking into account not only artistic merit but also historical and academic relevance. The criteria are purposefully broad to allow flexibility across a wide range of objects—from paintings and manuscripts to furniture, scientific instruments, and archival materials.

When considering the criteria, the Expert Adviser may take into account the condition of the object, for example, when determining whether the work is “outstanding”. They may also consider local interest, but only as part of their consideration as to whether one or more of the Waverley criteria apply.

The Expert Adviser, as with the RCEWA, should reach a decision on whether the object’s departure from the UK would be a misfortune, solely on the basis of the Waverley criteria. No other factors should be allowed to influence that judgement (e.g., available funds, value, knowledge of an institution’s interest).

In 2007, the RCEWA emphasised that the three Waverley criteria for assessing an item’s outstanding importance are equal and not mutually exclusive. Exceptional items meeting any of these criteria are considered national treasures, and their departure from the country would be a misfortune. The terms ‘Waverley One’, ‘Waverley Two’, and ‘Waverley Three’ do not imply a hierarchy.

While the wording of the criteria has stayed the same since 1952, their application has evolved. For instance, the relevance of an object to underrepresented histories is now more easily recognised under the first or third Waverley criterion than in the past. Additionally, the Statutory Guidance has been updated to provide more context for interpreting the criteria.

Waverley One permits the inclusion of objects produced abroad that have gained national significance due to association with important individuals, events, or locations. This criterion now also encompasses items of major local historical importance or those linked to significant collections, people or events. Good examples are the Wedgwood’s First Day’s Vase, purchased by the Potteries Museum & Art Gallery in 2017; Benjamin Britten’s complete draft score of the *Young Person’s Guide to the Orchestra* purchased by the British Library in 2012 and a pair of paintings by Canaletto entitled ‘View of the Grand Walk, Vauxhall Gardens’ and ‘the Rotunda of Ranelagh House’ acquired by Compton Verney in 2006.

The assessment of aesthetic importance, Waverley Two, now includes not just traditional beauty but also craftsmanship, design, and innovation. It involves subjective judgment and applies to a range of items, including scientific objects, decorative arts, and archaeological finds. This was the case for the Walton Bridges, JMW Turner purchased by the Norfolk Museums Service in 2019; a 'jadeite' Neolithic axe-head purchased by Dorset County Museum in 2007 and an eighteenth-century mantua and petticoat Purchased by the Art Fund and donated to Historic Royal Palaces in 2007.

Scholarly significance increasingly entails interdisciplinary value and contributions to academic discourse. An object may be considered outstanding either on its own or due to its connections with people, places, events, or collections. Such objects serve as benchmarks for assessing others and can illuminate the study of their type. Learning about culture should encompass various disciplines, including art history, archaeology, ethnography, anthropology, palaeontology, science, engineering, architecture, and literature. The Statuette of Cleopatra Dying by Henry-Joseph-François, Baron de Triqueti acquired by the V&A in 2021; a Double Manual Harpsichord by Mahoon, London 1738 purchased by Gainsborough's House in 2019 and George I Palladian baby house acquired by the V&A Museum of Childhood in 2018 are all examples that apply.

In December 2022 Lord Parkinson discussed the Waverley criteria in a speech to mark their 70th anniversary and invited thoughts on the effectiveness of the export deferral process. On 29 January 2024, he gave a speech to the Worshipful Company of Arts Scholars, which outlined his conclusions from that work. The Waverley criteria have received widespread and continuing support, allowing many important works to be saved for the nation.

Binding Offers – a mechanism for retention

The process continues to evolve and following a government consultation on strengthening the process for retaining national treasures, a 'binding offers' mechanism was introduced on 1 January 2021. Its intention is to avoid wasted fundraising efforts by public institutions.

At the end of the first deferral period, owners will have a consideration period of 15 Business Days to consider any offer(s) and decide whether to sell the object and enter a legally binding Option Agreement with the buyer. The second deferral period commences following the signing of an Option

Agreement. Binding offers have been in place for three years and the system has generally worked well with 20 successful acquisitions.

Under the Option Agreement, the appropriate purchaser has a contractual right, an Option (but not an obligation), to buy the cultural object from the Owner at the purchase price, by serving a notice in writing before the end of the option period (second deferral). The parties can agree an extension to this period. If the owner decides not to enter the Option Agreement after receiving a serious expression of interest, the licence would usually be treated as refused by the Secretary of State.

In 2024, updates to the Procedures for Exporters have tightened and clarified the binding offers process further. To improve the process, owners must now wait until the end of the first deferral period to make a decision. This allows them to review all offers at the same time and make a fully informed choice about granting an option agreement to one of the offerors. Previously, owners received offers as they came in and often rushed to enter agreements before the deferral period ended, which hindered others from expressing interest.

Another improvement is that the RCEWA Secretariat will now decide if a public source's offer is a serious expression of interest, consulting DCMS officials only in exceptional cases, which streamlines the process compared to needing DCMS decisions in all instances.

Challenges and solutions

The global art market is more competitive, pushing high-value objects beyond the reach of UK institutions, even with public and charitable support. However, there are options for institutions to acquire via the deferral process. By partnering with a private source, a museum can provide reasonable public access to the object which in the future, may open doors for a donation, acceptance in lieu of a cultural gift.

There is also a growing trend in joint acquisitions, such as the Rebecca Solomon painting of “A Young Teacher”, acquired by the Tate and Museum of the Home, which may encourage partnerships as prices rise. Private Treaty sales also offer reduced prices for institutions. Additionally, the National Portrait Gallery has explored sharing ownership with an international museum, successfully saving the Portrait of Mai for the nation.

The Impact of the Scheme

In 2022, we celebrated the 70th Anniversary of Waverley, and the Committee is delighted to see the continuing impact of the scheme. Acquisitions inspire exhibitions such as the Tate Women Artists and currently the display at 'A Townhouse' in the Museum of the Home. They contribute to learning and community programmes such as the Arts and Minds group at The Box, Plymouth.

Engaging audiences can be achieved through live events and performances, such as the lute manuscript, acquired by the University of Edinburgh, which has now been conserved, digitised, catalogued, displayed, and performed. Acquisitions can also inspire new research, as demonstrated by the partnership between Yale Centre for British Art and Compton Verney regarding "Two Women Wearing Cosmetic Patches."

Recently, the Bodleian Libraries acquired a previously unknown manuscript from the library of Humfrey, Duke of Gloucester. An in-person and online symposium, which was well-attended, provided the first opportunity to explore this remarkable acquisition, stimulate academic debate, and outline directions for future research.

Conclusion

Seventy-five years on, the heritage landscape has shifted dramatically. Globalisation, digitisation, changes in the art market, and evolving public attitudes toward cultural ownership all challenge the Waverley system despite its strengths.

Currently, public museums often struggle to secure necessary funds within tight deferral timeframes, particularly amid restricted arts funding. The National Heritage Memorial Fund, receiving £5 million annually from the UK government, faces challenges in keeping pace with inflation and art market price increases.

Tax incentives, like the Acceptance in Lieu (AIL) scheme and Cultural Gifts Scheme, allow donors to offset inheritance or income tax by donating significant works to public collections. These tools can provide essential alternatives to outright purchases for financially constrained institutions. Fiscal reform may be needed to enhance financial support for acquisitions,

with a focus on expanding schemes like AIL and creating incentives for lifetime giving. This could improve access to privately held cultural assets and support regional museums and emerging cultural forms.

It is also important to consider if the current categories and values of the export licensing system fully capture the diversity and scale of cultural value today and the public understanding of how the system works so we can use public advocacy to support more successful acquisitions.

The RCEWA and the Waverley Criteria remain vital tools in preserving the UK's cultural heritage. The criteria are still robust, and their application has evolved to meet modern understandings of cultural significance and public interest. Despite some challenges, the system has adapted and offers a robust model for balancing individual ownership rights with national heritage priorities.

With greater public engagement, sustained funding, tax incentives and appropriate expertise and advice, the RCEWA's work can remain relevant and effective in preserving the UK's national treasures for future generations. The legacy of Waverley is not as a fixed statute, but as a living framework for cultural stewardship.