

THE  
EXPORT OF  
WORKS  
OF ART  
ETC.

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*REPORT OF A COMMITTEE  
APPOINTED BY THE  
CHANCELLOR OF THE EXCHEQUER*

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H. M. TREASURY

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THE EXPORT OF  
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# COMMITTEE ON THE EXPORT OF WORKS OF ART, ETC.

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## REPORT OF THE COMMITTEE ON THE EXPORT OF WORKS OF ART, ETC.

To the Rt. Hon. R. A. Butler, M.P.,  
Chancellor of the Exchequer.

SIR,

We were appointed by the Rt. Hon. Sir Stafford Cripps in October, 1950:

"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 the policy."

We now have the honour to submit our Report. We have held 30 meetings and have received evidence, either oral or written or both, from the persons and bodies listed in Appendix I. We should like to express our gratitude to these witnesses for their help.

We have thought it right to interpret our Terms of Reference broadly, so as to include anything of special national, historic or artistic interest. This is therefore the meaning of the word "object" in our Report, save where the context otherwise suggests. We have not, however, regarded our Terms of Reference as covering postage stamps and stamp collections.

Our Terms of Reference speak only of exports. But we found it impossible to avoid giving some consideration also to the question of imports. Trade is a two-way process and objects are brought to this country for sale and re-export. But, even where it is not a case of re-exports, we had to consider to what extent any outflow might be counterbalanced by an inflow of other objects of equal or greater importance.

Again, while it is not mentioned in our Terms of Reference, we found we had to consider the distribution of these various types of object throughout this country, the Commonwealth and Colonies, and other countries; and the extent to which additional financial assistance should be given to our national and other collections for the purchase of objects that would otherwise be exported. This is because purchase can be in itself a major instrument of control, and because it is not possible to consider usefully any system of control without knowing to what ends it is directed and what is to happen to the object controlled.

Our main recommendations are summarised in Section IX. They should be read in conjunction with a dissenting note by Professor V. H. Galbraith on the export of archives which appears on page 65.

## SECTION I

### The Existing System of Export Control

OUR first task was to find out what are the existing arrangements for controlling the export of works of art, etc., how they came into being and what was the result. We also, as above indicated, enquired into the position about imports and re-exports.

2. The facts, as we have ascertained them, are set out in Appendix II. This is based on material supplied by the departments, and, besides providing the background for what follows, we hope that it will be useful in dispelling the widespread ignorance about the present system which we found to prevail.

3. We found that the system as it exists today was entirely a product of the 1939-45 War. Before the war there was no control at all; with the exception of modest duties on certain classes of imports, both exports and imports of works of art, etc., were entirely free. Control came into being as a war-time measure, intended primarily to safeguard the nation's resources in foreign exchange and at the same time to prevent the flight of capital abroad. It had in its inception no direct relation to the problem of safeguarding national treasures.

#### EXPORTS

4. Nevertheless, although export control was not instituted in order to safeguard our national treasures, it came at the end of a long period of anxiety. Our world-famous private collections were being depleted and their contents sold abroad at prices far in excess of anything which our public collections, with their exiguous resources, could afford.

#### *The National Art-Collections Fund*

5. Fifty years ago the seriousness of this situation began to be recognised, and the first step to meet it was the foundation in 1903 of the National Art-Collections Fund.

6. The purpose of the Fund is to buy for our national and provincial collections works of art which they cannot afford and which otherwise would be sold abroad. It has thus been instrumental over a long period in preserving for the country many of its most famous masterpieces. To-day, whenever any museum wishes to acquire a work of art beyond its own resources, it invariably turns first to the National Art-Collections Fund for help. The Fund is therefore associated with, and makes possible, almost all major purchases.

7. The National Art-Collections Fund is a voluntary organisation which receives no subventions whatsoever from the State, and relies for its finances on money privately raised. Its membership (at present some 7,000) is open to anyone on payment of a subscription. But, while it will no doubt continue to play an essential part in helping our museums to make important purchases, its resources are limited, and it can provide no complete answer to the problem of export control.

#### *The Curzon Committee*

8. The next step was taken in 1911 when the Trustees of the National Gallery set up a Committee of Trustees, under Earl Curzon of Kedleston, to enquire, *inter alia*, into the retention of important pictures in this country. As recorded in its Report, dated the 13th December, 1913,\* the Committee found that the export of pictures from private collections was proceeding at an alarming rate. In an Appendix it listed over 500 important pictures sold out of the United Kingdom within the preceding few years; these included more than 50 Rembrandts, 21 paintings by Rubens, 5 by Velazquez, 11 Holbeins, 4 Correggios, 7 Vermeers, and 29 Gainsboroughs. The greater number of these pictures had gone to American collections or to the Berlin Museum.

9. After an exhaustive enquiry the Committee reached the conclusion that it was inadvisable to restrict or prohibit the export of works of art from the United Kingdom, or place an export duty on them; but it made a number of other recommendations to which we shall refer later. These were designed to keep works of art in this country by helping the national collections to buy them.

#### *Proposed Export Duty*

10. Whatever action might have ensued from the Curzon Committee's recommendations was overtaken by the events of 1914. Throughout the first World War, however, the question continued greatly to agitate both the public and the Trustees of the National Gallery. Early in 1917 a printed appeal was circulated to all members of Parliament over the signatures of 58 men distinguished in art and letters, proposing a "Bill to augment the income and funds of the National Gallery and facilitate the acquisition of certain pictures in Great Britain earmarked by the Board of the National Gallery" by means of "an export duty of 25 per cent. . . . levied on all paintings, prints and drawings, not produced within 50 years of, nor brought into Great Britain within 10 years of, the date of export: the proceeds of such duty, subject to the charges of administration and collection, to accrue to the National Gallery income and funds".

#### *Proposed Sales Tax*

11. The idea of an export duty did not, however, command universal assent, the Curzon Committee having in fact recommended against it, and in 1919 a new Sub-Committee of the National Gallery Trustees, under the Chairman, Lord D'Abernon, was set up to review the recommendations of the Curzon Committee's Report. A Memorandum by the majority stated: "The further evidence obtained by the Trustees in the interval which has elapsed since the publication of that Report has tended only to strengthen their feeling that the imposition of an export duty, though in theory most attractive, would in practice be attended with insuperable difficulty". The Memorandum recommended instead a tax of 1 or 2 per cent. on all sales of works of art, by means of an *ad valorem* stamp duty. This proposal was put by the Trustees to Sir Robert Horne who was then Chancellor of the Exchequer, but in 1921 it was rejected.

\* Report of the Committee of Trustees of the National Gallery appointed by the Trustees to enquire into the retention of important pictures in this country and other matters connected with the national art collections. [Cd. 7878.]

### Proposal for a National Purchase Fund

12. In 1922 the Trustees of the National Gallery again put forward the suggestion of a moderate export duty. In a letter to the Chancellor of the Exchequer the Director said "Now, however, the urgency of the danger menacing the historic art treasures of the country has become so extreme that the Board do not wish you to remain under any misconception of their feeling as to the necessity of immediate remedial measures for the formation of a national purchase fund."

### The Paramount List

13. The outcome of this approach was, however, not an export duty, but the bringing into existence of what is generally known as the "paramount" list.\* This list, which has been changed from time to time, consists of a very few outstanding pictures towards the purchase of which the Treasury has undertaken to recommend Parliament to vote reasonable sums of money if they are in danger of being sold abroad. Two pictures on the paramount list have in fact been bought, both in 1929—the Wilton Diptych and Titian's "Vendramin Family". The total cost was £212,000 towards which the Exchequer contributed one-half.† One picture has been bequeathed to the nation (Rembrandt's "Portrait of the Artist" in the Iveagh Bequest, Kenwood); and one has been sold abroad notwithstanding that at the time of sale it was on the list, namely Van Eyck's "Three Maries at the Sepulchre", which passed into private hands in Holland at the beginning of the Second World War.

### Works of Art and Antiquities (Prohibition of Removal) Bill

14. The next significant event was the introduction into Parliament in 1926 of a private member's Bill, the purpose of which was to prohibit the export from the United Kingdom of certain works of art and ancient or historic buildings or monuments, by giving the Commissioners of Works, acting on the advice of a Board of Arts and Historic Buildings, power to make Orders prohibiting the export of certain objects or classes of objects except under licence. This bill did not get beyond its First Reading. So far as export control was concerned, the matter rested there until the outbreak of the Second World War in 1939.

\* Announced by the Chancellor of the Exchequer to the House of Commons on 3rd August 1922 (Hansard O.R. Col. 1865).

† The Wilton Diptych was bought from the Earl of Pembroke for £90,000, towards which the contributions were as follows:—

	£
Mr. Samuel Courtauld	20,000
Viscount Rothermere	10,000
Mr. F. C. Stoop	10,000
The National Art-Collections Fund	5,000
H.M. Government (special grant)	45,000

Titian's "Vendramin Family" was bought from the Duke of Northumberland for £122,000, towards which the contributions were as follows:—

	£
Mr. Samuel Courtauld	20,000
Sir Joseph Duveen	16,000
The National Art-Collections Fund	5,000
National Gallery—Claude Phillips Fund	9,500
National Gallery—Grant-in-Aid	10,500
H.M. Government (special grant)	61,000

### War-time Legislation

15. When war broke out it at once became necessary to seek power to control the export of goods in order to conserve the resources of the country, and the result was the passage into law of the Import, Export and Customs Powers (Defence) Act, 1939. This is the Act on which the powers of control now mainly rest; it is part of the emergency legislation; and it remains in force until such time "as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end". So far no such Order has been made.

16. At the same time there was passed the first exchange control measure, in the form of the Defence (Finance) Regulations, 1939. These were designed, not to restrict exports as such, but to ensure that, when goods were exported to countries outside the sterling area, they earned their proper quota of foreign exchange. In 1940 the two powers were linked when the exchange control machinery was strengthened, so far as valuable goods were concerned, by bringing antiques and works of art under export licensing control.

17. The original intention of this legislation being as already stated in paragraph 3, a press notice issued at the inception of control announced that the restriction on the export of "valuables" would not prevent their commercial exportation by exporters who remained in this country and conformed to the Treasury Regulations governing the disposal of the proceeds of exports to certain destinations. To the same end the definitions used in the legislation were deliberately left broad and vague.

18. But gradually attention became focussed on the possibility of using these powers to prevent the loss of national treasures. Public and Parliamentary interest grew and eventually the whole question was debated in the House of Commons on 26th May, 1944, at the instance of Members concerned at the outflow.

19. During that Debate the Parliamentary Secretary to the Board of Trade, Captain Charles Waterhouse, made the following statement\* :—

"In the case of pictures and portraits anything . . . of any intrinsic value at all is always brought to the notice of both the National Gallery and the National Portrait Gallery. If they raise any doubt, automatically the licence is not granted; there is no question of proving a case, they have only to say 'we do not think this is a proper thing to export' and straight away that licence is not granted."

20. This assurance (which applies *mutatis mutandis* to all other forms of art, furniture, printed books, manuscripts, etc.), was generally welcomed by the House, and it has stood since as the main statement of the Government's policy in the matter.

### The Reviewing Committee

21. For some years all went reasonably well. Exports of important items were few, and it was rare for a case to arise that was not capable of amicable settlement between the exporting interest and the bodies concerned in the conservation of the nation's art treasures.

\* Hansard, House of Commons, O.R. Col. 1173.

22. But gradually problems arose. Trade revived, and the devaluation of the pound made it even more difficult than before for the national collections to compete for works of art with buyers from countries such as the United States and Switzerland. In 1949 a number of important items were the subject of applications, and of these applications 12 were refused on the ground that the objects in question were national treasures. Some of these cases gave rise to a large amount of correspondence, ill-feeling and even representations by foreign governments; it was said that the persons responsible for advising the Board of Trade, i.e., the directors and keepers of the national collections, were interested parties; and the eventual result was the setting up in 1949 of a Reviewing Committee to consider cases in which a licence was refused and the exporter appealed. This Committee consisted of a Treasury chairman, representatives of the Board of Trade and the Foreign Office, the director or keeper recommending the refusal, and two other directors or keepers chosen as representing an independent point of view.

23. This Committee ensured that account was taken of all considerations known to the officials concerned before a final decision was reached, but it was, of course, open to the charge of being an official body composed mainly of the interests responsible for the original decision; and it only operated if the exporter appealed.

#### *Further Changes in Procedure*

24. During 1950 the difficulties still continued, and the outcome was our appointment in October. At the same time, as an interim measure pending our Report, the procedure was again slightly altered and arrangements were made for the Reviewing Committee to consider, not only cases where the exporter appealed, but also every case in which a refusal was recommended, or the expert adviser felt that a second opinion was needed.

25. A further change was made in May, 1951, when the membership of the Committee was altered so as to increase the independent element and also provide for the point of view of the provincial institutions to be directly represented. So, instead of two independent directors or keepers, three were to sit, including one selected from a panel of five directors of museums and galleries outside London—one Scottish, one Welsh and three English provincial collections. Any provincial director directly concerned with a case is invited to the discussion of that case, and representatives of the Commonwealth Relations Office or the Colonial Office are also invited whenever they might be expected to have an interest.

#### *The Practice in other Countries*

26. At this point it may be convenient to mention that this country is not alone in instituting a system of control for the purpose of safeguarding national treasures. On the contrary, it has only followed rather tardily in the wake of many others.

27. In *Italy* there has been legislation since 1802; the main law is that of 1909, under which application must be made for permission to export works of art, which include all articles of historical, archaeological, palaeontological, artistic or numismatic interest. There are elaborate provisions for the

purchase of the object, for an export tax, and for the packing of the object under supervision. We learnt that the State exercises its right of purchase in at least 20 cases a year; but the right of veto has been exercised in only one case.

28. The *Austrian* legislation on the subject dates from 1818; the main laws, however, are those of 1918 and 1923 which forbid the export of objects of historical, artistic or cultural importance save under licence, with the exception of works by artists still living or who died within the last 25 years. We understand that few applications have been refused.

29. *Greece* followed next, in 1834, with legislation providing that no antiquity discovered in Greece could be exported without the permission of the Government. Apparently, however, this legislation was not very effective, and the main legislation is that of 1932, giving power to control antiquities in the widest sense.

30. In *Egypt* there has been legislation since 1878 to control digging and protect antiquities, but the main legislation was passed in 1912. This defines as antiquities all works of art, science, literature and religion, together with ancient manuscripts, etc., and makes their export subject to permit.

31. In *France* legislation from 1887 onwards provided for the scheduling and listing of historic buildings and their contents. Listed objects are not exportable under any circumstances. There was, however, no control over other objects until the Second World War. Since then the works of living artists, and works created later than the 1st January, 1920, by artists who are no longer alive at the time of export, may be freely exported, provided that exchange control formalities are complied with, but the export of other original works of art is prohibited except under licence. With the exceptions mentioned above this procedure applies to paintings, sculpture, engravings, drawings, *objets d'art* more than 100 years old, historical and other collections and medals. No export licence is required for objects worth less than 10,000 francs, nor for books, archives or musical instruments. Where a licence is granted, export takes place under the supervision of a museum curator. Approval is withheld in cases where the authorities consider the work to be worthy of belonging to the national artistic patrimony; this restriction is applied irrespective of whether there is a ready buyer in France. We were told that licences are refused for about 20 objects a year. There is power to pre-empt works of art of national interest offered for sale by public auction.

32. The main *German* legislation dates from 1919, and provides for a register of nationally valuable works of art, the export of which is prohibited save under licence.

33. In the *Netherlands* control began with the Foreign Exchange Bill of 1945. There is a list of all works of art owned by public bodies, none of which may be exported. The export of other works of art and objects of historical interest is subject to the approval of a Government expert.

34. In *Spain* all exports of works of art require the authorisation of the Junta del Patrimonio Artístico Nacional.

35. In *Denmark* there is no control.

#### Summary

36. From this brief summary it will be seen that control was gradually tightening throughout the 19th Century, although, until the First World War, it was mainly confined to countries rich in indigenous works of art such as Italy, Greece, Egypt, and France. After the First World War the movement rapidly extended as countries sought to protect themselves against the economic pressures of the time; and this process has been accentuated since the Second World War, as the necessities of exchange control led to the imposition of further restrictions.

#### IMPORTS

37. As stated in the Introduction we are concerned with imports only to the extent that they are linked with, or affect, exports. Imports *per se* are outside our Terms of Reference.

38. The existing system of import control is described in Appendix II, which also deals with import duty and purchase tax. Import control, like export control, is entirely a product of the Second World War and rests on the same basis of legislation; but, unlike exports, it has continued to be governed solely by exchange control considerations. Accordingly the procedure is much simpler. There is no Reviewing Committee and the policy is to allow imports of works of art, etc., freely on an Open General Licence from all countries (including France and Switzerland) to which the arrangements for the liberalisation of trade have been applied. Imports from other countries (including the United States of America) are subject to strict control, each case being considered on its merits. The present practice, broadly, is to refuse to license imports of works of art which will cost "hard" currency.

#### RE-EXPORTS

39. Re-exports concern both the import and the export licensing authorities. The practice of the former is to license the import of works of art for re-export if the Exchange Control is satisfied with the proposed method of reimbursement. This means in effect that the importer who pays dollars for the work of art must obtain dollars for it from his eventual overseas customer. In present circumstances the result is to prevent imports being brought in from hard-currency countries for re-export.

40. We have been given to understand that it has been the practice of the export licensing authority not to refuse a licence to export in any case where it has been brought to their notice that the object has been imported with a view to sale abroad, and that, as a working but not a binding rule, they have adopted a period of two years for this purpose. Difficulties have, however, arisen, with which we deal in paragraphs 173 to 184.

#### EFFECT OF THE EXISTING SYSTEM

##### The Total Trade

41. To assess the effect of the existing system, and the present trend of the trade we turned first to the Trade Returns. The relevant figures, together with an explanatory note by the Board of Trade, are set out in Appendix III, which gives the totals as follows:—

	Exports	Re-exports	Imports
	£	£	£
1937 ... ..	1,461,559	700,880	2,142,286
1938 ... ..	858,218	751,887	1,693,246
1949 ... ..	2,171,207	189,449	1,008,658
1950 ... ..	3,426,337	537,554	1,751,311
1951 ... ..	4,607,979	355,399	2,184,614

42. These figures show the extent to which exports have increased since the war. About half the exports during 1951 consisted of "Curios" (a technical term used in the Trade Returns which includes all antiques, i.e. articles 75 years old or over, except paintings); and, of the total of £2,485,742 for this category, the bulk (£1,815,541) went to the United States of America. In the case of paintings, etc. the total was £1,803,392, of which £581,121 went to the United States of America.

43. Unfortunately the Trade Returns cannot be more than a rough guide to the extent of the outflow, as some of the items with which we are concerned are not separately recorded. For example, antique furniture shares the heading "Curios" with "some unidentifiable quantity of miscellaneous second-hand bric-a-brac of any age". Moreover the figures do not distinguish an object that is of potential national importance from one that is not.

##### The Results of the Control

44. It is still harder to assess the actual results of the control. Since its inception the total number of objects for which licences have been refused on grounds of national interest is 32. The figures are as follows:—

	Number of objects refused	Declared value
		£
1946 ... ..	5	3,100
1947 ... ..	3	10,167 (est.)
1948 ... ..		
1949 ... ..	12	73,185
1950 ... ..	9	36,150 (approx.)
1951 ... ..	1	1,800
1952 (to 30th June) ... ..	2	31,000 (approx.)

45. Clearly the number of objects for which licences have been refused is small by comparison with the total exports; at the same time the figures are no true guide to the effectiveness of the system since, by ignoring the possible deterrent effect of the control, they may fail to indicate the extent to which objects of national importance might have been exported if control had not existed.



46. In these circumstances, in order to obtain an idea of the extent to which national treasures are leaving the country and the effect of the control, we could only take each category of object and rely on the personal opinions of our witnesses and the views of those closely connected with the subject, such as the expert advisers and the trade.

47. In the case of *pictures* the Director of the National Gallery stressed the extent of the loss since the Curzon Committee Report. He has submitted the following table comparing, for the artists mentioned in paragraph 8 the losses before and after 1913:—

	Loss prior to* 1913	Losses since† 1913	Of which lost‡ since 1939
Rembrandt ... ..	52	45	7
Rubens ... ..	21	40	28
Velazquez ... ..	5	10	5
Holbein ... ..	11	12	1
Correggio ... ..	4	1	—
Vermeer ... ..	7	1	1
Gainsborough ... ..	29	48	Probably very few of importance.

\* Appendix V to Curzon Report.

† Approximately only. The figures prior to 1947 are compiled from the catalogues of foreign museums and important private collections, and in some cases, e.g. Gainsborough they may not represent more than half the real total.

48. We do not think it necessary to specify the individual works by the above-named artists which have left the country, but we must add that we are informed by the Director of the National Gallery that, in addition, a number of important pictures by the following artists have gone since 1913:—

Name of artist	Number of important pictures exported
Giotto ... ..	1
Duccio ... ..	4
Lippo Lippi ... ..	1
Van Eyck ... ..	2
Signorelli ... ..	1
Mantegna ... ..	1
Giovanni Bellini ... ..	2
Raphael ... ..	2
Giorgione ... ..	2
Titian ... ..	2

49. The Director of the National Portrait Gallery told us for his part that over the last ten years at least six historic portraits had gone that the Gallery would have liked to acquire. Some, however (such as the portrait of Henry VIII by Holbein) had already gone before control began.

50. The Director of the National Gallery went so far as to say that the number of great pictures remaining in private hands in the United Kingdom was very small. He could remember no really important picture which had appeared in the London sale rooms since the war, and very few had passed through the hands of the dealers in comparison with earlier days.

Discoveries were still possible, though unlikely. There was now no known picture by Correggio or by Vermeer in private hands; and as to the other artists mentioned in paragraph 47 the periodical reviews held by the Trustees of pictures which might make worthy additions to the National Gallery disclosed the following position:—

Rembrandt	15
Rubens	6
Velazquez	5
Holbein	2
Gainsborough	16

In the case of Gainsborough, however, the number represented a careful selection rather than a list of all the good pictures that remained.

51. Other witnesses did not take so gloomy a view. Not only, they maintained, were the national museums and galleries extremely well stocked, but there was still a market in this country. "The Economist" in an article in December, 1950, observed that the most expensive works continued to gravitate towards the United States of America and that one-half of the turnover in the most expensive paintings and antiques was taken up by foreign buying. Nevertheless, there was still a market in Great Britain even for pictures costing £10,000 to £20,000 and not more than a small fraction of paintings costing £2,000 to £3,000 were sold abroad.

52. A firm of dealers told us that since 1918 many pictures had been sold from this country (although far more between 1920 and 1930 than between 1930 and 1950); but they pointed out that great numbers had been imported, particularly Impressionist and Post-Impressionist.

53. In the case of *objets d'art*, *furniture* and *porcelain* several witnesses, including the Director of the Victoria and Albert Museum, took the view that the national heritage was being rapidly depleted. There was a growing demand abroad, particularly for the smaller objects, and this was much more difficult to control than in the case of pictures because it involved a higher proportion of items of relatively lower value, the loss of which individually was of no great moment. In support of this the Director pointed to the great number of applications referred to the Museum for advice, and the number of items on each application.

54. This view was shared by the Keeper of the Department of Woodwork, who said that the country had already been stripped of its objects of importance coming within his purview, and that in a very few years nothing of any consequence would be left in private hands. This was shown by comparing what was in the market 25 years ago with what was available now, and by the scarcity value now attaching to particular classes. The number of items on the schedules reaching him was now three times what it had been in 1946, and most of these were woodwork articles in great variety recently removed from private ownership.

55. The British Antique Dealers' Association, while agreeing that in the past much had been lost, thought that the things now going were the more domestic objects and minor artistic treasures of relatively small value.

56. On the other hand the Director of the Museums of France said that this country still contained the greatest mass of works of art in private hands in the world; and that there was more 18th century French furniture in

England than in France. Other witnesses pointed to the vast amount in public collections in this country, including hundreds of articles that are never shown.

57. In the case of *antique arms* the Master of the Armouries told us that weapons, and especially firearms, were passing out of the country in such large consignments that the source of supply must soon dry up. As regards *armour* he calculated that two-thirds of what was in the country in 1918 had now left it, including some of the utmost value and historical interest.

58. The Keeper of the Department of *Prints and Drawings* at the British Museum said that the outflow was fairly continuous. He received 80-100 references a year, many containing large numbers of articles.

59. In the case of *Greek and Roman antiquities* we were told that there was a good deal of traffic in and out, but much of it was of small value. A certain amount was imported for re-export, but the bulk came from English collections. In the case of *Egyptian antiquities* there now remained no major private assemblage, and probably very few single objects of particular interest were left in private hands. This was not the case formerly, and the Keeper of the Department of Egyptian and Assyrian Antiquities thought that such incidents of the past as the export of the Carnarvon collection ought to have been prevented by law. In the realm of *Western Asiatic art* the Keeper said that the most imposing monuments (from Canford Court, Dorset) went to America before the Second World War, but there were known to be a few more, occasionally of major interest, still in private possession, and as recently as 1946 an important Assyrian sculptured scene went to America despite the existence of the control.

60. In the case of *printed books* our evidence was to some extent conflicting. Some of our witnesses took the view that there was no evidence that the country was being denuded; that no vital printed books had been lost; and that in most cases there were copies in public institutions. Other witnesses said that the value of out-of-print and scarce material being exported was very great, even though most of the items were of small value; and there was general agreement that the drain is particularly heavy in the case of early printed books. Bodley's Librarian thought that this was probably the last generation in which it would be possible to buy 16th and 17th century printed books in this country. The Keeper of the Department of Printed Books in the British Museum told us that, in the two and a half years to date, he had received 541 applications for export licences, which were now running at an average of three a day. From June, 1949, to the end of July, 1951, he reckoned the total to be about £260,000, or an average of £10,000 a month.

61. We ourselves are unable to resist the conclusion that there has been a marked dispersal abroad of important books, but that scholars are better provided for now because many books that were formerly in the market are now safely in museums and libraries.

62. In this connection the Keeper drew our attention to the losses sustained by the British Museum during the war, some of the items lost being very valuable and not easily replaced. He estimates that at least 200,000 volumes were destroyed, of which only about 50,000 have so far been replaced.

63. As regards *documents and manuscripts* one American witness thought that less was going to America than before, but nevertheless extensive purchases were still being made by certain American libraries and private collectors and we heard of some important collections that have gone abroad in recent years. The Antiquarian Booksellers' Association told us that the export trade was not large, being a fraction only of that in printed books; nevertheless they admitted that the supply of illuminated manuscripts was not as good as 30 years ago. The Keeper of the Department of Manuscripts in the British Museum told us that the outflow of manuscripts of great national interest had been very much less since the regulations were introduced than during the corresponding period before the war. He thought that the regulations had operated as a deterrent, serving at the same time somewhat to depress the price, and had helped to bring important manuscripts to notice. Imperfect as was the protection they afforded, they had amply justified themselves.

### Conclusion

64. It is difficult to summarise the evidence over so large a field, or to draw effective comparisons when control has only operated for such a short time and the trade has been affected by so many other factors such as the war and its aftermath. But in general the evidence suggests that a large part of the loss took place before the war and before control began. Since then, in the case of objects below the best, the outflow continues on a considerable scale, which control has not diminished appreciably. The very best works, however, are not going abroad to the same extent as before. This is partly due to the fact that many have already gone, and others are safe in public collections. But we think it clear that the control has played its part. Although it has operated unevenly, and although the number of treasures actually stopped has been few and there have been some important losses, yet nevertheless, in the case of masterpieces, it has had a marked effect.

## SECTION II

### Defects of the Existing System

65. We found that the defects attributed to the existing system could be grouped under the following heads:--

- (i) That it was uncertain, unfair and apparently arbitrary;
- (ii) That it had a prejudicial effect on trade and relations with other countries and tended to encourage fraud and evasion;
- (iii) That it was over-centralised and failed to take account of the needs and wishes of local institutions;
- (iv) That it caused a large amount of work to little purpose;
- (v) That it was on the whole ineffective as a means of conserving national treasures.

66. It should be said at the outset that our departmental witnesses were fully alive to the criticisms and greatly concerned at the position. They, as much as anyone, disliked the present uncertainty and appearance of arbitrary and capricious action and they pressed us for an early report as the best means of ending it. Their difficulty was that the original legislation, intended as it was for other purposes, gave them no guidance, and the Reviewing Committee, which might in time have evolved a body of doctrine, only came into existence at a relatively late stage and to meet an immediate need. By the time it was getting down to principles we were appointed and pending our report the Committee had not thought it right to do more than proceed from case to case, making minor amendments to its constitution and procedure and trying to do justice in the circumstances of each particular application.

#### *Uncertainty*

67. The uncertainty of the system was illustrated by the majority of the cases that came before us. It arises from the fact that the control, of its very nature, operates only at the last stage, after the object has been sold. Until that stage is reached, no-one knows for certain whether export will be allowed. Owners and dealers do not know whether it will be safe to put an object up for sale to the highest bidder, or whether it will be more prudent to try and sell it privately in England, or to selected clients overseas, such as a Commonwealth institution, which might be regarded by the licensing authorities as having a preferential claim. If they enter into a contract with a foreign buyer, they cannot be certain of being able to honour it; and they run the risk of finding that any time and money spent on interesting potential foreign buyers has been wasted. The foreign purchaser, for his part, may spend a good deal of time, trouble and money inspecting the object, persuading his trustees to authorise the purchase, interesting possible donors, collecting the money and negotiating, only to find his efforts wasted.

68. In order to overcome this uncertainty efforts have been made to secure advance rulings from the authorities, or to make intelligent guesses as to the line they are likely to take. But advance rulings raise difficulties, with which we deal later in paragraphs 284 and 285, and the official attitude has always been that no final decision can be given in the absence of an application for a licence, accompanied by full particulars of the destination of the object, and the price. Since July, 1951, a procedure has been in force whereby, without prejudice to the final decision, suitable cases can be referred to the Reviewing Committee for a preliminary indication of their views; apart from this the practice over advance rulings has varied. Sometimes they have been given, sometimes withheld. These variations of practice are not necessarily due to the idiosyncracies of the several advisers; the question has sometimes depended on whether the national collection concerned is itself thinking of buying.

69. Another source of uncertainty is the fact that sometimes the provincial collections have been consulted; sometimes not. Moreover it is alleged that the experts consulted have not always taken the same view, nor applied the same criteria. In this field there is often room for legitimate differences of opinion, but even when there is agreement, the practice of the experts in considering the cases put before them, has varied. We reproduce in paragraph 17

of Appendix II, the precise question put to them by the Board of Trade. But whereas some have stuck to the letter of the question and have given their advice on whether an object is of national importance without regard to its ultimate fate, others have found it impossible to ignore the possible hardship to the owner and dealer if a licence is refused and the object remains unsold. They have therefore not been prepared to recommend the refusal of a licence unless their own, or some other institution is prepared to buy.

70. Indignation has occasionally been aroused by the refusal of licences for articles that do not seem at first sight national treasures, such as a lithograph by Toulouse-Lautrec. Another source of annoyance is that, even though objects have sometimes been on the market for a considerable time, it is not until they are about to be exported that a national collection displays any interest in them or tries to buy. The argument for the national collection, in such cases, is often that there is no need for it to spend its exiguous funds on buying so long as the object remains safely in private hands in this country. Only when the question of export arises is it compelled to intervene and to spend money which can often only be found by foregoing some other almost equally desirable acquisition.

71. It is these uncertainties, for which in general no-one is to blame, that have led to the allegation that the system is arbitrary in its operation. Moreover, the Reviewing Committee sits in private and does not give reasons for its decisions; and although the would-be exporter is invited to state his case in writing, he is given no opportunity to appear in person. It is not surprising, therefore, if the results of the existing system of control have at times given rise to bewilderment in the minds of those whom it has affected.

#### *Unfairness*

72. The existing system is held to be unfair because it penalises the owners of particular objects. This is shown in many of the cases which came before us; a typical example is that of a London dealer who told us that he was authorised by an American client to buy two objects for £700 each, plus commission, with liberty to bid higher if need be. In this case preliminary enquiries suggested that licences would not be granted. The dealer therefore did not buy; one object was bought by a national collection for £230 and the other by a private individual for £300.

73. In another case two objects which belonged to an owner of small means were sold at auction for £1,800 to the London agent of an American buyer. An export licence was refused. The underbidder, an English collector who had bid up to £1,700 at the auction, was then approached again, and declined to offer more than £800, which the owner accepted. In this case, therefore, the result of the refusal was in effect to fine the owner £1,000.

74. Furthermore it was pointed out to us that such objects often form part of collections in historic houses and constitute their owners' sole reserve with which to meet heavy commitments. The Gowers Report\* clearly established that, at present rates of taxation, many historic houses cannot be maintained without drawing on capital. Some of our witnesses took the view that it is grossly unfair to tax owners to this point, and then forbid them to realise their capital by selling their works of art in a world market

\* Report of the Committee on Houses of Outstanding Historic or Architectural Interest (H.M.S.O. 1950).

#### *Prejudicial Effect on Trade and Relations with other Countries*

75. According to our trade witnesses the control, and the delays and uncertainties which surround it, have a damaging effect on trade. The simplest example which came before us, typical of many, is that of a London dealer who, on the instructions of an American client bought an object and applied for a licence, which was refused. The dealer was left with the object on his hands and, as he says, "in danger of losing his client". In another case a London firm of dealers had a good chance of selling a picture worth £25,000 in New York in October, 1949. In December of that year a licence was refused. The picture is still unsold.

76. The dealers pointed out to us that the sale of works of art demands, not only skill, knowledge and experience, but also the expenditure of considerable time, trouble and money. It may be necessary to verify attributions and carry out restoration; an expensive organisation is necessary to attract the purchaser, and the object may have to be carried in stock for a long time. Before the war London, it is said, was the centre of the world art trade. The fact that London dealers were prepared to exercise their judgment and buy for stock meant that prices fluctuated less in London than elsewhere; and the absence of control—meaning as it did that foreign buyers could be certain of getting their purchases out of the country—ensured a true international market. The result was that objects came from all over the world to be sold; there was a vigorous two-way traffic; and this, besides its financial advantages, was of considerable benefit in bringing fresh works to the public eye, enabling new collections to be formed, and supporting the body of knowledge upon which a due appreciation of art depends.

77. Now, it is said, this position is endangered. No dealer can afford to maintain a big organisation, and spend money on re-establishing foreign connections, if there is no certainty that the transactions can be completed. Collections are no longer sent to this country for sale because of the risk of the necessary export licences being refused. Foreign buyers, for their part, show an increasing tendency to deal direct with other countries where, if the controls are in theory stricter, it may in practice be easier to get the objects out.

78. The effect of the control on other countries is shown by the fact that, out of 32 items refused, three cases have been followed by representations from foreign governments. The refusal of a licence, coming as it does at the very last moment when so much work has been done, inevitably causes a feeling of acute irritation, and the sense of grievance is all the greater if, as has sometime happened, the object is not bought for a public collection in this country but remains in private hands. American witnesses pointed out that, by seeking to build up collections of works of art now, they were only doing what this country did on an immense scale in the 18th and 19th centuries.

#### *Over-centralisation and failure to consult local interests*

79. Among those who represented Scottish, Welsh and provincial institutions we found a feeling that they were not consulted, and that objects tended to go abroad which they would have liked to acquire. In one case two pictures which the Director of a Scottish collection thought of recommending

to his Trustees, were granted an export licence without his having been consulted. In another case a picture was in the market which the director of a provincial institution thought was of national importance and wished to acquire. He so informed the appropriate adviser, who however is said to have taken the view that it was only a studio work. Both the Louvre and an American institution made offers for the picture on the basis that it was by the master. Eventually it was sold to America, and an export licence granted.

80. These witnesses maintained strongly that it is undesirable in principle for all our national treasures to be concentrated in London; and they pointed out that there were many objects with local associations which London collections did not want and could not house, but which would be of the greatest interest and value to the local institution concerned.

81. Some of the London advisers, on the other hand, said that they did their best to bear in mind the needs of the provincial institutions, but found themselves in something of a dilemma. These institutions were so numerous that any widespread system of consultation would involve intolerable delays. More serious was the fact that so few of them had funds of any size with which to buy. Those of the advisers who take the view that it is wrong to refuse a licence unless some institution is prepared to buy, will obviously hesitate to recommend refusal if the local institution cannot raise the money.

82. Apart from this our provincial witnesses tended to feel that the whole system puts too much power into the hands of the advisers in London; and some of the London advisers, for their part, felt that they ought not to be saddled with responsibility for bearing the interests of the whole country in mind.

#### *Volume of Work*

83. We had clear evidence that the existing system of control means a great deal of work for all concerned. One firm of London art dealers told us that the full-time services of a clerk were needed to make the necessary applications for export licences which, in many cases, had also to be accompanied by photographs. None of these applications had ever been refused, and they felt that the whole thing was a great waste of time and money.

84. The Board of Trade, for their part, had to deal with nearly 16,500 applications in 1950, and in their written evidence they state bluntly that "if it were not for the fact that the control is needed for other purposes it would be quite unjustifiable to undertake such a large volume of paper work to ensure that a very limited number of items should be retained in the United Kingdom".

85. Of the 16,500 applications, over 2,100 were referred to the expert advisers. Some of these advisers complained that they received far more applications than they could consider effectively, and they said, moreover, that the descriptions given of the articles were often vague and misleading. If they wished to make further enquiries they found themselves confronted by many difficulties. Unless the object was in London, it might not be easy to spare the time to go and see it. On occasion the expert found that

the objects had already been packed and were on the quay awaiting shipment. He then had to decide whether to let them go, or to insist on the crates being unpacked and the objects produced for inspection.

86. Finally, the Customs Officer—the last and least specialised link in the chain of control—is expected under the present system to be able to say whether an object, seen perhaps for the first time in the rush conditions of the baggage hall:—

- (i) Is more than 75 years old ;
- (ii) If not, is of a description included in the list in paragraph 3 (ii) of Appendix II ;
- (iii) If of a value exceeding £100 ; and
- (iv) If a licence is produced, is in fact the article described in the licence.

87. This is clearly a somewhat formidable undertaking, and the only tangible result of it all, since control began, has been the refusal of licences for 32 objects, although, of course, to this number should be added all those objects which have not been exported because the exporter either received advance indication that a licence would be refused, or guessed that it would.

#### *Fraud and Evasion*

88. We received little direct evidence of fraud and evasion. It was said that objects had appeared in sale-rooms abroad more quickly than they could have got there by the proper channels, and we found a general feeling that leakages were taking place. The expert advisers pointed to the risk of over-painting and substitution, and said that exports tended to be undervalued—sometimes seriously—as a means of evading the control.

89. In the nature of things few of these allegations could have been substantiated. Only eight cases, actual and alleged, are known to the authorities and these are all of a trivial nature. At the same time, as the experience of other countries shows, there is always a risk when export control is applied in a field where some of the objects concerned are portable and difficult to identify, where there is room for much legitimate difference of opinion on values, and where the profits can be very high. Our trade witnesses felt that the existing system, apart from giving so much work for so little apparent result, tended to penalise the legitimate trade.

#### *Ineffectiveness*

90. This brings us to the final criticism of the existing system, namely that it has not proved effective as a means of conserving national treasures. Those who took this view pointed to the small number of licences refused, and said that many more of the objects that they regarded as of the utmost importance had gone.

#### *Conclusions*

91. Any review based on actual criticisms, such as this, necessarily gives a misleading impression since it focuses attention on the points where things have gone wrong, and ignores the large number of cases where the machinery has worked smoothly and well. Some of the complaints of owners and the trade, for example, are answered by the fact that in the majority of cases licences have been granted after due consideration ; and even where they have not, an amicable settlement has often been reached.

92. Again it must be borne in mind that, as will be made clear in the next Section, export control would still be needed for exchange purposes even if no question of safeguarding national treasures arose. There can therefore be no question of the burden of which our witnesses complained disappearing overnight. Those concerned in transactions in goods of high value, such as works of art, are bound to feel the impact of exchange control more than others, and would do so even if no special steps were taken to safeguard national treasures.

93. Lastly, in assessing the results, it must be noted that the Reviewing Committee has been deliberately cautious about refusing export licences, having rightly felt that it was unsuitable to use powers granted for another purpose, on a rather floating basis of doctrine, to conduct an active invasion of private rights. The system could have been operated much more actively but, failing adequate arrangements for compensation or purchase, only at the cost of much greater complaint.

94. We ourselves believe that within its limits—not least of which has been the unwillingness of some of the advisers to refuse licences if no institution is prepared to buy—the system has been reasonably effective, particularly in the case of masterpieces. Moreover, apart from the actual and potential refusals, it does ensure that objects do not slip away unnoticed and that an opportunity is given for considering whether they should be retained in this country.

95. In our view the control has probably been least effective, and at the same time most irksome, in dealing with objects not of the first order of importance. These are the most numerous cases and give rise to the bulk of the work. They provide the greatest scope for the differences of opinion and the uncertainties of which our witnesses have complained. They also tend to involve the provinces to a greater extent than do the masterpieces. In the event the number rejected has been very small. So, at one and the same time, these cases support those who claim that the system is ineffective, and those who maintain that it is strangling trade.

96. The conclusions we draw are:—

- (i) that export control is best applied to a small number of objects of high importance, and becomes progressively less effective and more irksome the larger the number of objects it is sought to control ;
- (ii) that great uncertainty and unfairness can result unless it is accompanied by a clear statement of policy and adequate safeguards ;
- (iii) but that, even then, the fact that it operates at so late a stage is bound to cause frustration and disappointment.

97. For these reasons it seems clear that it ought only to be applied to limited categories of objects of high importance.

## SECTION III

### The Case for Control, Methods and Safeguards

98. In view of the fact that some of the defects mentioned in the last Section are inherent in export control, we considered whether it was needed at all to safeguard national treasures; whether some alternative method might not be preferable; and, if not, what should be done to mitigate its effects.

#### *Connexion with Exchange Control*

99. At this point we had to take account of the fact that export licensing is used at present, not only to safeguard national treasures, but also (its original purpose) to support the exchange control. We were advised that, if no question of national treasures entered in, the authorities would be prepared to give up licensing of these exports to countries in the sterling area at once. As regards countries not in the sterling area the authorities did not think that in present circumstances the system of export licensing could be discontinued; but they did not necessarily regard it as a permanent part of our system, and, from the exchange control aspect, they would wish to review it from time to time.

100. In the event of control being discontinued over exports to the sterling area the authorities recognised that those countries might become the first stage in journeys designed to defeat the control over exports to other countries, but, *from the exchange control point of view*, they regarded the machinery of export licensing as not worth maintaining solely for the purpose of preventing this kind of transaction. Some evasions were to be expected, but it was not thought likely that they would take place on a large or regular scale.

101. On the other hand the authorities considered that, *from the national treasure point of view*, if exports to the sterling area ceased to be controlled, any attempts to use export licensing as a safeguard would be useless. The reason for this was the difficulty of maintaining anything like a consistent policy at the borders of so large an area of free movement as the sterling area. This statement was not incompatible with that in the preceding paragraph. From the point of view of exchange control one object was like another: they could all be reduced to terms of money. If a control stopped say 95 per cent. of attempted evasions and let 5 per cent. through, it could be considered a success. But from the point of view of safeguarding national treasures, it was the exceptional case that mattered, and if only half-a-dozen cases of great importance evaded the control during the year, the system would have failed.

102. The significance of this from our point of view is threefold. In the first place, so long as export licensing is regarded as necessary to support the exchange control (as it is in the case of destinations outside the sterling area) there is justification for retaining in being an apparatus which, solely from the point of view of safeguarding national treasures, might be regarded as unduly burdensome and vexatious. Anxious as we are to see certain national treasures preserved, we should have felt some hesitation about recommending the maintenance of the whole system for such a limited result.

103. Secondly, the fact that export licensing could be discontinued immediately, so far as the exchange control is concerned, in the case of exports to the sterling area, makes it all the more necessary that, if retained to safeguard national treasures, it should be confined to a small range of objects. A heavy obligation rests on those responsible for preserving national treasures to see that they are asking for no more control than is absolutely necessary.

104. Lastly if exchange control should ever disappear altogether, it may well be that the maintenance of export licensing solely to safeguard national treasures would be impossible to justify, and that whatever control was still thought necessary would have to be exercised in some other way. We cannot at this stage forecast what that way might be, although it might well depend on some kind of list. But if, as we hope, vigorous steps are taken meanwhile to build up the national and other collections and to preserve historic houses and their contents, the problem may by then have been reduced to more manageable dimensions.

#### *Desirability of retaining certain national treasures*

105. We found our witnesses almost unanimous in thinking that there were certain national treasures which should not leave the country. This was the view taken by a number of owners, who told us that they would prefer to sell to a national collection; their difficulty was that they were usually forced by circumstances to sell at the best price obtainable, and a national collection was often unable to offer so much as a foreign purchaser, even with the benefit of the estate duty concession.\*

106. This was the view, also, of the majority of the trade interests. Thus one group† said:—"The trade . . . has always supported, and has actively assisted in, the retention in this country of works of art that can truly be said to be of paramount importance in representing British culture through the ages, or of objects which have great historical significance to our nation." We had evidence that dealers have been at pains to bring objects to the notice of museums and galleries in this country. But obviously they must always have the interests of trade in mind.

107. Our American witnesses themselves, despite their eagerness to acquire art treasures, agreed that there were some objects which this country was fully entitled to retain. Thus one‡ states in written evidence:—"We might say at the outset that we do not question and never have questioned the right of every country to retain works of art of national significance."

\* Under Section 40 of the Finance Act, 1930, as extended by Section 26 of the Finance Act, 1936, such pictures, prints, books, manuscripts, works of art, scientific collections or other things not yielding income as appear to the Treasury to be of national, scientific, historic or artistic interest are, when passing or deemed to pass on a death, exempted from Estate Duty until they are sold. Upon a sale duty becomes payable on the proceeds at the rate appropriate to the rest of the estate at the last death, but *not* if the sale is to the National Gallery, British Museum, or any similar national institution, any university, county council or municipal corporation, the National Art-Collections Fund, or the Friends of the National Libraries.

† The British Antique Dealers' Association and the Antique and Art Dealers' Export Group.

‡ The Metropolitan Museum of Art, New York.



108. Where there are wide divergencies of view is on what constitutes a national treasure and what should stay. We deal with this question in detail later (paragraphs 185-217); for the present it is sufficient to note this general measure of agreement that some things should be retained.

109. When we came to consider how this result should be achieved, we found opinions differing widely.

#### *Possible Methods of Control*

110. *List of prohibited exports.* The first suggestion was that a list should be made of national treasures, and their export then prohibited, with or without compensation. This was the simplest and most straightforward course, and everyone would then know where they stood.

111. On close examination we found however (as did the Curzon Committee) that this apparently simple proposition conceals a number of difficulties. One is the problem of compiling the list, and revising it as new discoveries are made and fashions change. It would be fairly easy to compile a short list of paintings and sculpture that would command a wide measure of assent. Antique furniture would be considerably more difficult, although not impossible. But, as Section V shows, there are other objects besides these which may on occasion have some claim to be regarded as national treasures, and the larger the list, the less manageable it becomes. We found that this was indeed the experience of countries where the list system has been tried. Witnesses told us that the lists tended to contain many second-rate objects which, once on, were very difficult to remove: while the system had not proved effective in retaining objects of paramount importance.

112. A second serious difficulty is the effect of such a list on values, and the problem of compensation which it would raise. A secret list, known only to its compilers, would rightly be condemned. An official list, available to the public, would depress values.

113. No doubt these problems can be solved, and, as we have indicated above, we do not exclude the use of a list system eventually. But we think it better not to rely on such a system, with all its limitations, so long as the machinery of export licensing exists.

114. *Export Duty.* The next suggestion was that the export of those objects which it was desired to retain should be discouraged by some form of tax or duty. This would have two advantages. It would tend to equalise the purchasing power of the home and the foreign buyer and relieve the former of his present heavy handicap. There would be more chance of national treasures remaining in this country in the ordinary course. Secondly it would provide a fund with which to acquire *desiderata*.

115. Attractive as is this suggestion at first sight, it proves on closer examination to be even less feasible than a prohibition based on lists. To begin with, the two aims are mutually inconsistent, for to charge a high rate, which people are unwilling to pay, means foregoing revenue. But apart from this, the same difficulties arise as before, with others added. Either the articles to be taxed must be listed, or else they must be defined in such a way as to be easily distinguishable from the ordinary articles of commerce which are not to be taxed. The first alternative is discriminatory and raises all the practical difficulties we have mentioned. The second presents almost

insuperable administrative difficulties. These will be realised if we consider how a particular set of Chippendale chairs of great national importance in the setting for which they were made, are to be so described that they can be distinguished from (a) other Chippendale chairs and (b) other antique chairs. The description, moreover, must be such that it can be clearly understood by a Customs Officer called upon to decide in the case of a particular consignment whether or not tax is payable.

116. The suggestion for an export duty was also examined by the Curzon Committee, who reported on it as follows:—

"... the practical impediments strike us as considerable. A serious difficulty would arise from the definition of a work of art and the determination of the objects to be taxed, and were this overcome, we cannot contemplate without some apprehension the sort of procedure at our ports that would require to be set up. Many works of art, among them the most costly, are small in dimensions and are easily portable. Is there to be a rummaging in coat pockets and a digging in portmanteaux at Dover and Southampton? And if we confine our attention to pictures only, who is to say whether the painting arrested is an original or a copy; whether it is a national treasure or an article in transit? Such an inquisition would be intensely unpopular with the travelling public, it would necessitate a large and expensive machinery, it would lead to evasion and smuggling on an extensive scale, it would probably not produce anything like the sum expected, and, above all, while affecting to provide the means of keeping works of art in the country, it would not directly secure that object. We hazard the conjecture that the Exchequer would willingly contribute another £25,000 per annum in order to escape the burden of raising such an impost."

117. Of course much has happened since the days of the Curzon Committee. No traveller can now escape the digging in portmanteaux that they feared; and the Exchequer, for its part, has not proved as willing as they hoped to contribute the £25,000 per annum. Even so the basic difficulties remain and as there are also other objections to special taxes which we shall mention in the Section on finance (paragraphs 254-256) we have no hesitation in rejecting this proposal.

118. *Purchase.* The majority of our witnesses urged that reliance should be placed on purchasing the desired objects on the market in the ordinary way. This—the argument ran—was fair to owners, it involved no disruption of the ordinary channels of trade, and it gave rise to no ill-feeling on the part of would-be foreign buyers. It presented none of the administrative complications of other methods of control, and it entirely removed the incentive to fraud and evasion. The reason why national treasures were leaving the country in such large numbers was partly the much greater enthusiasm which foreign buyers showed in seeking out what they wanted; partly their superior economic circumstances. The one could be offset by greater vigour on the part of the authorities here; the other could only be offset by more funds.

119. This was the view taken by the Curzon Committee who said:

"If the power of the legislature cannot safely or wisely be invoked to compel the retention of works of art in this country, we are driven to the conclusion that the question is one in the main of finance, and that the only methods by which we can secure our end are firstly to provide the largely increased resources that will be required for the purpose, and secondly to come to an arrangement as to how they may best be applied for the purchase of the desired objects."

120. We ourselves, as will appear later\* strongly support the view that more funds are essential, and we believe that as many treasures as possible should be bought on the market in the ordinary way. At the same time, when we came to consider whether, with more initiative and more money, any other form of control could be abandoned, we came to the conclusion that it could not.

#### *Case for the retention of licensing control*

121. In the first place it has happened on more than one occasion that the significance, and indeed the very existence of an object, have not been realised until an export licence is applied for and the object brought to the notice of the experts. More important is the parallel case where the experts have always known about the object and its significance, but have not known of the danger that it may be exported until an export licence is applied for.

122. Such cases should become rarer if those in charge of our public institutions are given more adequate resources and are active in the pursuit of their *desiderata*. But with the best will in the world a director cannot study the catalogues of every sale in the country, nor visit all the sale rooms in order to verify objects about which the catalogue may be misleading; nor can he know about sales by private treaty between owners and foreign buyers. We had clear evidence that the present system yields information of considerable value, which can be obtained in no other way; and it has been instrumental in bringing cases to notice and preventing some objects of great importance from slipping away without proper consideration. It seems, indeed, that some machinery for bringing cases to notice would be desirable however ample the funds available for purchase.

123. Secondly the control gives time for the case to be considered and any necessary money raised. While we recommend that those in charge of our public collections should look ahead as far as possible, and do all they can to secure *desiderata* before they come into the export market, it is unreasonable that the country should be deprived of a national treasure merely because there has not been time to get together the money to buy it. We would add that in such a case the delay should be as brief as possible (see paragraph 279).

124. On these grounds we think that there is a good case for continuing to use the machinery of export licensing to safeguard national treasures, particularly as for the time being it must remain in any case; and we recommend that, provided the owner receives fair treatment, the State should retain the right to prevent the export of objects of high national importance in suitable cases.

#### *No prohibition without an offer to buy*

125. As a corollary of these recommendations we recommend that, in every case in which export is prevented, the owner must be assured of an offer to purchase at a fair price. This is a principle to which we attach the utmost importance, and on which we found a striking consensus of opinion among our witnesses. We think that the State has a clear right to forbid the export of objects which it regards as of national importance. But we think that it has the equally clear duty to see that particular individuals are not unfairly treated as a result.

\* See paragraphs 127-128, 135-136, 261-268 and 304.

126. In many cases, of course, the question will not arise. The object will be bought for one of our public collections before it reaches the export market, or the owner will receive a satisfactory price from some other source within the country. But if the point is reached at which the power of the State must be used to prevent it from leaving the country, then the State must see that the owner receives fair treatment. We deal in detail in Section VII with the way in which we think the reasonable value of an object should be assessed in circumstances such as these, and the interests of both the owner and the State protected.

#### *Need for the provision of additional funds*

127. It follows from our recommendation that the extent to which national treasures can be safeguarded, while at the same time doing justice to their owners, depends mainly on the provision of additional funds. More money is needed, both to secure national treasures before they reach the export market, and to make possible a reasonable offer to purchase if it is thought that export should be prevented. If the community is unwilling to pay it must resign itself to the loss.

128. Nevertheless we cannot emphasise too strongly our view that, if the Government are not prepared to find the necessary money--an amount that is insignificant by comparison with its expenditure on other things--the consequences will be deplorable. Posterity will be deprived of treasures which we think it vital to retain.

## SECTION IV

### The Distribution of Works of Art, etc.

129. Having postulated as a condition of the refusal of an export licence that the owner shall be assured of a reasonable offer to purchase, we must next consider some of the factors affecting possible purchasers, and the distribution generally of the objects with which we are concerned. This will also have a bearing on the number and type of the objects controlled, the lines on which the control is administered and the constitution of the controlling authority.

#### THE UNITED KINGDOM

##### *The National Collections in London*

130. Our evidence suggests that the grant-aided collections in London are on the whole well stocked to serve the needs of the public and of students alike. A witness of great experience thought that from the public point of view there were relatively few works of art still in private possession for which these galleries had an overriding claim.

131. This witness was speaking of paintings, and it is possible that in other fields the national collections are not so well off. Nevertheless the problem of the great London collections seems now to be to fill gaps, and to acquire certain outstanding objects if they come into the market.



132. Their difficulty is one of finance. These objects are often unique, with all the scarcity value that this implies, and they are exported simply because the collections cannot raise the money to buy them. We received evidence from all sides that the grants available annually for new acquisitions are quite inadequate. Often they do not suffice to acquire a single work of importance at today's prices. For all the grant-aided institutions in Great Britain they amount to less than £80,000 a year.\* The income of one American institution alone is more than twice this amount, although, as it happens, none of the money comes from governmental sources.

133. In the specific case of the National Gallery the annual purchase grant-in-aid is actually *less* now than it was in 1865, when the general value of money was much greater and the current prices of pictures were relatively very much lower. For most of the 24 years from 1865 to 1889 it stood at £10,000 a year, and although there were certain breaks, special grants were made which brought the total average grant for this period to over £13,000 a year. Now, as Appendix IV shows, the annual purchase grant-in-aid stands at £7,000, and no special grants have been made since 1929.

134. It is of course true that the annual purchase grants are supplemented in various ways. Many of the institutions have funds of their own, and benefit from gifts and bequests. Bodies disposing of private funds, such as the National Art-Collections Fund, the Friends of the National Libraries and the Pilgrim Trust, give valuable help. In addition a number of special grants have been made from the Exchequer. These are listed in Appendix IV. On several occasions, as, for example, recently in the case of the books and manuscripts from Holkham Hall,† the purchase of important objects that would otherwise be exported has been achieved by a combined effort in which private bodies have given to the limit of their resources, and the balance has been met by a grant from the Exchequer.

135. But these are precarious expedients. Private resources are necessarily limited, and the special grant machinery—entailing as it does a Supplementary Estimate—is only suited to the purchase occasionally of an object of the highest importance. There is an urgent need—which we cannot too strongly stress—for increased *regular* financial assistance to the national collections so that they can be more active in the pursuit of what they need, can carry out their programme of acquisitions in accordance with a long-term plan, and can accumulate reserves with which to meet exceptional demands as they arise.

\* Details of the purchase grants-in-aid to the principal national collections are given in Table G of Appendix IV. These, for the year 1951-52, added up to £63,740. The difference between this figure and the £80,000 quoted above consists of the grants-in-aid to the institutions not shown in Table G, viz.:-

Science Museum,	
Imperial War Museum,	
London Museum,	
National Maritime Museum,	
National Library, Scotland,	

together with the additional sums received by the National Galleries of Scotland (Note (b) to Table G), and the sums available to the National Museum and National Library of Wales for new acquisitions (Note (c) to Table G).

† The total cost was £95,000, towards which the contributions were as follows:-

Pilgrim Trust	...	...	...	...	10,000
National Art-Collections Fund	...	...	...	...	10,000
Friends of the National Libraries	...	...	...	...	500
I.L.M. Government (Special Grant)	...	...	...	...	74,500

136. This is a matter to which we revert in Section VII, at this stage it is only necessary to point out the immense advantages that such increased annual grants would have from the point of view of export control. They would make it easier for directors and keepers to acquire national treasures before they reach the export market; would thereby reduce the number of cases where a refusal must be considered; and above all would help to safeguard the smaller and less costly objects that are the most difficult to control.

#### *Scottish, Welsh and Provincial Institutions*

137. We need not stress the importance of the museums, galleries and libraries outside London. They are essential to our schools and universities, and cater for the millions who seldom, if ever, see the London collections. There are sound arguments for not concentrating all our treasures in London, and in their spheres the best of these collections are already of first-rate importance. As examples we need only cite the Scottish and Welsh grant-aided collections, the Fitzwilliam Museum at Cambridge, the Ashmolean Museum and the Bodleian library at Oxford, the Barber Institute of Fine Arts at Birmingham, the Birmingham City Museum and Art Gallery, the Walker Art Gallery at Liverpool, the Glasgow Art Gallery, and the John Rylands library at Manchester.

138. In addition, there are local institutions which play an important part in providing collections of objects which, if not masterpieces, are nevertheless good of their kind, and appropriate homes for many important objects of local significance.

139. When we come to consider, however, to what extent export control could be used to help local institutions in these desirable objectives, we encountered a number of difficulties.

140. The first of these is financial. Although some local institutions have substantial resources, most have only the most meagre funds with which to buy, and the traditional financial relationship between the Exchequer and local authorities has hitherto precluded them from receiving any substantial sums direct. Apart from the grant-aided collections in Scotland and Wales the only help that they can receive from the Exchequer direct, is through the Victoria and Albert Museum, which has at its disposal £1,000 annually, from which it can give grants-in-aid to local institutions of up to 50 per cent. of the cost of their acquisitions. Although there is no limit to the categories of objects for which these grants-in-aid can be made,\* the existence of these facilities does not seem to be as widely known as it should be. We learnt to our surprise that very few applications are made, that the total sum is seldom spent, and that the same few galleries tend to get the money every year.

141. We make, in Section VII, recommendations for dealing with this problem—in particular by a substantial increase in the present exiguous sums at the disposal of the Victoria and Albert Museum for this purpose, and by facilities for special grants on occasions. At the same time, in our present financial and economic circumstances, we have to recognise that for the time being any extra help given is likely to be only in modest amounts.

\* We are informed by the Director that the categories include archaeological and ethnographical and natural history specimens. Moreover, on occasions a grant has been given for special mounting of important exhibits.

142. The second difficulty is that of keeping the local institutions in touch. They are very numerous, and so are the kinds of objects in which they are interested. Some of our witnesses suggested the circulation of lists of export applications, but we do not regard this as a practicable proposition. It could only lead to intolerable *paperasserie* and delays. Moreover, as we have already emphasised, the action necessary to retain objects in this country must wherever possible be taken before they reach the stage of being exported. This difficulty would to some extent be met if the experts to whom cases are referred by the Board of Trade would, as some do at present, bear in mind the special interests and needs of the local institutions, and draw attention to any cases in which they think they ought to be consulted. To aid them in this task, and also to provide the local institutions with an independent channel of representation, we suggest that institutions desirous of doing so should appoint—perhaps through the Museums Association and the Scottish Federation of Museums and Art Galleries—a London representative and furnish him with particulars of their needs. Such a representative could then keep in touch with the experts and the Board of Trade, sit on the Advisory Council which we suggest in Section VIII should be set up, and be kept informed of applications likely to be of interest to the institutions which he represents.

143. The third main difficulty, as we see it, is that local institutions are generally in the market for objects of modest value, and that these will automatically be excluded from control by our recommendation (in paragraph 169) of a minimum monetary limit of £1,000. Nevertheless local institutions may sometimes wish to buy objects submitted for export, and the above recommendations for consultation and, if necessary, financial assistance should be of value to them.

#### *Learned Societies*

144. Some learned societies are forming collections which may provide the appropriate home for objects that would otherwise be exported. Our evidence suggests that as a rule their difficulties are not so great. The prices of the objects in which they are interested being on the whole less, and the potential foreign competition coming from sources with which the societies are in close and friendly touch, it may be expected that very often a satisfactory arrangement can be reached. Nevertheless, we shall recommend that some of these learned societies be represented on the proposed Advisory Council, both in order to keep them in touch, and also to secure for those administering the system the benefit of their advice.

#### *The Private Collector*

145. The private collector is important in this context from various points of view. It was the great *cognoscenti* of the past who brought to this country the works which we are now concerned to keep here. From the time of Lord Arundel and the first Duke of Buckingham in the reign of Charles I, through the age of the Grand Tour in the eighteenth century, up to the generation which discovered the Italian Primitives in the mid-nineteenth century, English enthusiasts created a tradition of collecting which has never been excelled. Nor does the story end there. In the present century men

like Mr. Samuel Courtauld and Sir William Burrell have continued that tradition, and with wisdom and foresight have bought and made over, for the enjoyment of the public, works of schools which in many cases had not yet received general recognition and which were not available in our national museums. It is to them more than to anyone that we owe the appreciation of French 19th century painting in this country. Their work is being continued, and only this year another great collection of Impressionist pictures, formed by Miss Gwendolyn Davies, was bequeathed by her to the National Museum of Wales.

146. Such collectors—and they still exist today—play an important part in keeping works of art in this country. They also help to spread a sound appreciation and understanding of the arts. In many cases, as in those mentioned above, their collections pass into public ownership, but even when this is not the case, they form a sort of reservoir which allows the State the opportunity of acquiring paintings gradually over a period of years, instead of being forced to do so on the first occasion when they come on the market. At the same time the owner of a large private collection today is under heavy disabilities. The Gowers Committee drew attention to the enormous cost of maintaining the historic houses in which the most important private collections are found.

147. For this reason we regard it as most important to give the *bona fide* private collector as much help as possible. Important steps have already been taken in that direction; the existing estate duty concessions have been useful factors in delaying the breakup of private collections and guiding them eventually into public hands. We welcome the exemption from estate duty, contained in Section 33 of the Finance Act, 1951, for the contents of buildings given to the government, the National Trust or other public bodies; and the proposal to provide for the acceptance of chattels in such houses in lieu of death duties.\* Much of our most precious heritage consists of works of art in the setting for which they were originally designed, and collections which have been built up in one house over successive generations. We cannot too strongly commend any future action which will help to preserve such collections intact in their original setting. To the extent that it is successful it diminishes the number of cases in which export control must be considered.

148. If an advisory Council is set up on the lines we suggest in Section VIII we recommend that it should include independent members, one or two of whom might appropriately represent the private collectors. They will help to ensure that these interests are not overlooked.

#### OVERSEAS

149. We received a good deal of evidence on the distribution of works of art, etc. overseas. A strong claim was made for a measure of Commonwealth preference in the operation of the export control. This was based partly on the special ties which link the various members of the Commonwealth with this country; partly on the fact that, with the notable exception

\* Written Answer by the Chancellor of the Exchequer, Mr. Hugh Gaultskell, in Parliament on 26th April, 1951 (Hansard O.R. Cols. 86-89).

of Australia, thanks to the Felton Bequest,\* most Commonwealth countries are poorly stocked with art treasures and are ill-equipped for acquiring them. Not a few are becoming aware of the desirability of building up collections of their own, and they look to this country to provide the major source of supply. Several are also anxious to preserve specimens of their own indigenous art, and to recover examples that have been removed. A recent instance is a Benin Bronze, offered for sale in London, which, after many difficulties, the Government of Nigeria succeeded in acquiring.

150. It was also suggested to us that, if any question of preference were to arise, the United States of America might be said to stand in an even closer relation to this country than some of the Commonwealth countries.

151. So far as the rest of the world is concerned it was suggested that special consideration should be allowed in cases where it is proposed to return some object originally imported from abroad to its country of origin; and also that some of the best work of British artists and craftsmen should be exhibited abroad.

152. Lastly, a number of witnesses thought that exports to public institutions abroad ought to be favoured over exports to private collectors; and that objects should go where they will be properly cared for and can be seen and enjoyed by all.

153. We have a good deal of sympathy with some of these arguments, but unfortunately they are mutually conflicting in many cases, and they also present considerable administrative difficulty. The idea of a measure of Commonwealth preference is one which will command a wide measure of assent, but if embodied in any formal set of rules it would certainly evoke protests from other countries. Moreover other claims sometimes rank higher. The French authorities for example, are seeking to recover the furniture from Versailles that was dispersed at the Revolution. If such a piece of furniture were to appear in the London market, it seems preferable that it should if possible go to France rather than elsewhere. Again, however desirable it may be for English speaking countries to build up collections of English pictures, it is equally desirable that there should be good examples of our early 19th century landscape school in France.

154. Again, in many Commonwealth and Colonial territories the laws against the export of works of art are not very strict, where they exist at all. Any general discrimination in favour of the Commonwealth might therefore lead to evasion of the control. This is a possible loophole to which several of the expert advisers drew our attention, although it does not of course apply to exports to public institutions in the Commonwealth, which form the bulk of those which have so far taken place, as distinct from those to private buyers.

155. Even the suggested preference for exports to public institutions abroad does not in all circumstances stand examination. Some have been distinctly backward in preserving, cataloguing and making collections available;

\* Under the Felton Bequest the National Gallery of Victoria, Melbourne, disposes of an income of about £30,000 a year, of which £850,000 has been spent since 1909, mostly on the purchase of works of art in or through London. The aim of the Gallery is to build up a representative collection of pictures of all schools, together with a museum of fine and applied arts.

whereas some private collectors have set an outstanding example in this respect. Moreover it often happens that private collectors finally give their treasures to public institutions.

156. Above all, there are the administrative difficulties which any formal attempts at discrimination would entail. If it is decided in any particular case that a Commonwealth country is to be given preference, what is to happen if the most it can bid falls short of that offered elsewhere? And by what code of ethics are those responsible for operating the control to adjudicate between (say) a private collector in a Commonwealth country and a public institution in the United States of America, or between two bidders in the same country?

157. Our view is that export control must be operated primarily in the interests of this country, the proposed destination of an object being a secondary consideration. At the same time, while we have thought it our duty to set out all the arguments, we have no doubt that in practice ties of history and sentiment will play an appropriate part in determining the destination of objects which leave the country.

158. We should welcome steps to remove one disadvantage from which most Commonwealth institutions suffer viz.: lack of knowledge of what is available. A few do employ London advisers and we believe that reliance should be placed in the first instance on them. But we suggest that, in common with local institutions in this country, Commonwealth institutions should, if they so desire, appoint a London representative to sit on the Advisory Council and keep them informed. Colonial Governments can maintain contact as at present, through the Colonial Office.

## SECTION V

### The Scope and Extent of Control

159. We must now consider what categories of objects should be subject to licensing control from the point of view of safeguarding national treasures, and what general principles should be observed in the operation of that control. These will, of course, be additional to the fundamental principle already laid down, viz.: that if export is prevented the owner should always be assured of an offer to purchase at a reasonable price.

#### *Large Variety of Objects Involved*

160. Leaving aside documents, archives and historical manuscripts, which present special features and are dealt with in the next Section, the variety of objects suggested by witnesses as suitable for control was formidable. They ranged from works of art, such as paintings, sculpture, *objets d'art*, tapestries and furniture, to antiques in the widest sense (including prehistoric objects), objects of importance in the study of archaeology, ethnography and physical anthropology, early scientific apparatus and even buildings and their

parts. Moreover the quality of the objects within each category varies widely, from the masterpiece which is unique of its kind to the object of little value that has local, historical or sentimental significance, or some bearing on the art or science with which it is connected.

#### *Necessity for limiting Control to the Minimum*

161. We have said already that licensing control has inherent defects which become greater as the number of objects which it is sought to control increases. Moreover whatever arrangements are made must be administratively practicable, must be speedy and fair, and must not give too many loopholes for fraud and evasion. Any attempt to be over-meticulous defeats itself.

162. This being so, we think that many of the objects mentioned to us above must be regarded as outside the scope of the system altogether. We quite realise how desirable it is that many should be retained. But we are convinced that the machinery cannot successfully be used for that purpose—indeed much of the criticism of the existing system derives from the fact that it has attempted too much. To be workable it should be confined to limited and well-defined categories of objects of high importance. Within this narrower field, however, it may well be that the proportion of applications for export licences refused will be higher than under the present system.

#### *Age-limits*

163. The first question which arises is whether age-limits can be used as a preliminary sieve for sorting out objects which need to be considered from those which do not, and if so what those age-limits should be. Under the present system the age-limit is 75 years old, except in the case of works of art as defined,\* where there is no limit of age. Age-limits have the advantage that they can be precisely laid down, are administratively easy to operate, and cannot be evaded (as can monetary limits) by dividing a collection up into its component parts.

164. We are in favour of an age-limit, and we recommend that in all cases the minimum should be fixed at 100 years. We realise that there are national treasures less than 100 years old, but they are relatively few in number, and we are convinced of the general undesirability of trying to safeguard them in this way. To do so greatly increases the number of objects to be scrutinised, for very little result. It offers scope for much greater difference of opinion as to whether particular objects are or are not national treasures. Above all it discourages the vigorous two-way traffic that we should like to see, bringing recent works of importance into the country to fill the many notable gaps in our collections:

165. We had hoped that this recommendation would lead to the lifting of all control over objects less than 100 years old. We learn with regret that, in the opinion of the authorities responsible for exchange control, this is not at present considered feasible. Export licensing is still regarded as necessary in the case of these objects (e.g., contemporary paintings) to support the exchange control and ensure that, if they are sold abroad, the foreign

exchange earned is duly brought back. Nevertheless our recommendation means that such objects will no longer have to be referred for special scrutiny, and this will simplify the administration, reduce the delays and ease the burden on the advisers.

#### *Monetary limits*

166. The next question is whether, in addition to an age-limit, a minimum monetary limit can be invoked to help to distinguish objects which must be examined from the point of view of their possible national importance, from those which need not. The present limits are set out in paragraph 14 of Appendix II. There is no limit in the case of antique arms or armour; in the case of antique furniture the limit is £250; in the case of any other article it is £100. Objects valued at less than these amounts may be referred if they present some special circumstance or interest that suggests to the examining officer that expert opinion should be sought.

167. Monetary limits are obviously much less satisfactory as a test of an object than its age. Not only do they lend themselves to evasion by the undervaluation of particular objects or the breaking-up of collections that should be maintained intact, but the value of an object is not something fixed, like its age, but varies according to the trend of the market. Above all monetary values vary substantially as between one category of object and another, so that a limit which is low in relation to one (e.g., paintings) must be very high in relation to another (e.g., firearms).

168. We recognise these difficulties, and the fact that any one monetary limit cannot be wholly satisfactory but will have, in relation to the various classes of object, an importance that is not uniform. At the same time we are convinced that, if the system of control is to work, it must be greatly simplified; and the most effective way is to apply a common monetary limit over the whole field. We have considered whether to fix such a limit high or low, and have decided that it should be fixed high in the first instance, and reduced later if need be, in the light of experience.

169. We accordingly recommend that, in the case of all categories of objects other than manuscripts, documents and archives, the minimum monetary limit should be raised to £1,000, subject to review if necessary.

170. We also recommend that, while the Board of Trade should retain the right to refer objects below this limit to the advisers, this right should only be exercised in exceptional circumstances. We think that there might be a test check from time to time, and that if as a result a particular exporter is found to be abusing the monetary limit (e.g. by systematic under-valuation) he should be put on a special list and have all future applications subjected to special scrutiny.

171. Again, the full benefits of these recommendations in terms of the simplification of the system will not be felt until export licensing of objects worth less than £1,000 ceases to be needed to support exchange control. The fact, however, that these applications will no longer have to be scrutinised from the point of view of their possible national interest, or referred to the advisers, will be a considerable alleviation.

\* Appendix II, paragraph 3.

172. We realise that our recommendation will exclude a large number of objects, some of them of high importance, which those in charge of our public collections would like to have. But all our evidence goes to show that objects of low value cannot satisfactorily be safeguarded by licensing control, and that the losses resulting from the change we propose will be more than outweighed by its advantages.

#### *Re-exports*

173. It is appropriate at this point to mention the principles that we think should be adopted in the case of re-exports. Here again the aim must be to give the trade as much freedom as possible.

174. Our enquiries disclosed two main difficulties:—

(i) As is shown in paragraph 32 of Appendix II it is not possible to import objects from hard-currency countries unless the applicant can show that *the same object* will be re-exported to a hard-currency country. Our trade witnesses argued that it is not always possible to give such a guarantee in regard to particular objects even though, in the aggregate their exports to hard-currency countries substantially exceeded their imports from those countries. They argued that if they had freedom to switch (e.g. to import certain objects which are no longer in fashion in the United States of America and can therefore be obtained cheaply, against the export of other objects more in demand) the result would be of considerable benefit to this country. It would enable us to buy back cheaply a number of objects that have gone in the past; and there would be an increase of trade with no net loss of dollars.

(ii) Cases were quoted to us of *export* licences being refused, on national treasure grounds, for objects that had been quite recently imported.

175. In addition other difficulties were said to have arisen in particular cases. There had been a dispute, which had taken much time and trouble to settle, about the incidence of purchase tax on illustrative plates in a separate portfolio, accompanying certain volumes, which had been imported for re-export. It was said that difficulties also arose in the case of books sent out on sale or return, as is the custom in the book trade. Witnesses said that it was difficult to get these books back; our departmental witnesses on the other hand said that this should present no difficulty at all.

176. We have no doubt that some of these difficulties are the result of misunderstandings which can, and should be removed. Even so, they have been responsible for vexation and frustration and, more important, they have led to a notable decline in the number of collections and libraries brought to this country for sale.

177. In order to overcome the difficulty mentioned in paragraph 174 (i) above, one suggestion put to us was the introduction of a quota licensing system for the fine art trade on lines similar to that adopted in the case of the fur trade. Such a scheme might be run by the trade itself, through a committee responsible to the Import Licensing Department of the Board of Trade; it would provide for the whole or some part of the dollars earned from sales to hard-currency countries to be used for financing purchases from those countries, whether by the same or some other importer. We understand that the authorities object to such a scheme because there is no

evidence that on balance dollars would be gained, and in the present critical state of our reserves they dare not risk the loss of either gold or dollars. They also fear that in practice sterling would become available at a discount, and that the scheme would therefore in effect mean the introduction of multiple exchange rates. It is not for us to assess the force of these objections.

178. The second main difficulty, mentioned in paragraph 174 (ii) above, results partly from misunderstandings, partly from the general difficulty of knowing where to draw the line between exports and re-exports.

179. The misunderstandings have arisen for two reasons. In the first place, nowhere, in the forms which the would-be exporter has to fill in, is he asked if the object is a re-export. There is, therefore, no automatic safeguard against an object, recently imported, being scrutinised on export as a potential national treasure, and such cases have in fact arisen. The authorities, while admitting that the application form does not put this specific question, point out that the applicant is always free to give any supporting facts about his application, and before the Reviewing Committee considers a recommendation for the refusal of a licence, he is free to state his case as fully as he wishes. They have undertaken to ensure that this point is covered in any future cases referred to the Reviewing Committee; but we recommend that it should be cleared up at an earlier stage so as to avoid cases which are in fact genuine re-exports being referred to the advisers.

180. Secondly, as is stated in paragraph 40, the practice is to grant an export licence if the object has been imported within a reasonable time which, as a working although not a binding rule, has been taken as two years. The authorities have, however, never publicly stated that they take this or any other period as a test for re-exports, and therefore, while they say that they cannot trace even one case of refusal over a period of 12 years operation of the control, it is not very surprising if the public is in some doubt as to the principles actually applied.

181. It was clear to us that the only practicable test of a re-export is the length of time it has been in this country. The difficulty then is to know what length of time to take. If it is too short genuine hardship may be caused to owners, non-residents and the trade (and in this connection it must be borne in mind that works of fine art often remain in trade hands for many years before being sold). If it is too long, genuine national treasures may be lost without proper consideration. Some of our witnesses argued that we ought not to seek to control objects that had at any time been brought into this country; but such a rule would obviously exclude many of the objects mentioned in paragraph 187 which most people would agree are national treasures that should be safeguarded.

182. We ourselves, having considered all the various interests concerned, have come to the conclusion that it would be reasonable for the time-limit to be made equivalent to two generations, i.e. 50 years. We accordingly recommend the establishment of a time-limit of 50 years, during which export can be claimed as of right. It will be for the owner or dealer to prove that an object has been imported within 50 years and is therefore entitled to an export licence on these terms. Objects deposited on loan by owners resident abroad should, of course, be withdrawable at any time, even if more than 50 years have elapsed.

183. We further recommend that the rules be announced in a clear public statement.

184. We must again add that we are concerned solely with the control from the point of view of safeguarding national treasures; and we therefore cannot say if export licensing will have to be maintained, for exchange control reasons, over objects imported within 50 years or objects deposited on loan.

#### *Origin as a Criterion*

185. The next question is whether any distinction should be drawn, apart from the case of re-exports in the ordinary sense, between objects of British and those of foreign origin. Some of our witnesses thought that it was unreasonable to seek to retain compulsorily objects which had at any time been brought into this country, and that control should be confined to works produced here. Others thought that the latter, because they were ordinarily the most numerous, could most easily be spared.

186. These were, however, extreme views, and we ourselves share the opinion of most of our witnesses that no distinction can be based on nationality alone. The notion of "national importance" in this context is in fact a synthesis of aesthetic and cultural qualities, historical or sentimental associations with Great Britain or the Commonwealth, and rarity. Objects have some claim to be considered of national importance if they satisfy one or other of these tests, whether they are British or foreign.

#### *Principles of Control—General*

187. The following are the questions which we think those responsible should ask themselves in seeking to determine whether an object is of such national importance that its export ought if necessary to be prevented.

- (1) *Is the object so closely associated with our history and national life that its departure would be a misfortune?*

Outstanding examples of this category in the possession of national institutions are the Alfred Jewel, Domesday Book, the Luttrell Psalter, the Wilton Diptych, Henry VIII's armour, and the Sheldon "County" tapestries. This category would also comprise such varied items as the Kit-Kat Club portraits by Sir Godfrey Kneller, the 14th Century Bible Picture-book from Holkham Hall, the contents of Ham House, and the Tompion Orrery.

Many objects of equal importance belong to the Church, to colleges, and to semi-public bodies. There may, for example, be little likelihood of the Church being willing in any circumstances to part with the stained glass of Canterbury or the Lambeth Bible, colleges with their manuscripts and silver plate, or their semi-public custodians with the manuscripts of Burns' "The Cotter's Saturday Night"(\*), Dickens' "Great Expectations" (†) and Gray's "Elegy" (‡).

\* Now in the possession of the Irvine Burns Club, Irvine, Ayrshire.

† Now in the possession of the Wisbech Museum, Wisbech, Cambs.

‡ At least three copies of the "Elegy" in Gray's hand are known. One is at Eton College, another at Pembroke College, Cambridge, and a third in the British Museum (Egerton Ms. 2400, ff. 45-46). There may be others.

Even, however, if all such objects may be regarded as adequately safeguarded (and it is a fact that some sales in this category have taken place) there remain others of equal importance in private hands, and our proposals are designed to ensure that they are duly considered if they come up for export.

It should be noted that the category we are discussing includes foreign as well as British works. Examples are the Portland Vase and the paintings by Velazquez captured at Vittoria by the Duke of Wellington and subsequently given to him by the King of Spain. There are other gifts (such as suits of armour) that foreign sovereigns or governments have made, and objects that have been acquired abroad in circumstances closely associated with our history.

It includes such archaeological discoveries as the Battersea Shield\* and the Sutton Hoo Ship Burial† in the British Museum, which are not protected by the law of Treasure Trove.‡

It also includes objects closely associated with the history of British colonisation abroad, and the development of the Commonwealth, such as the specimens collected by Captain Cook and illustrated in the accounts of his voyages. Here there may be room for discussion as to whether the object remains in this country or goes to the Commonwealth country concerned; but there will be no dispute that it ought, if at all possible, to remain within the Commonwealth.

Lastly it includes objects closely associated with some particular part of Great Britain or the Commonwealth, or with the development of its institutions and industries, although many of these will necessarily be of a lesser degree of national importance.

- (2) *Is the object of outstanding aesthetic importance?*

Outstanding examples in this category include the Assyrian Reliefs and the Elgin Marbles in the British Museum, the Syon Cope and the recently acquired Bernini in the Victoria and Albert Museum, and Raphael's Ansidei Madonna and the Velazquez Venus in the National Gallery. There are also the following pictures secured for the public within the last 30 years:—

Titian—"The Vendramin Family".

Rubens—"The Watering Place".

Rembrandt—"Portrait of Saskia as Flora".

Rembrandt—"Margaretha de Geer".

Masolino and Masaccio—"Four Saints".

Poussin—"Adoration of the Golden Calf".

\* A bronze shield found in the Thames at Battersea in 1857. It is outstanding both as an example of prehistoric Celtic art and as a specimen of a Celtic warrior's equipment during the century or so preceding the Roman conquest of Britain in 43 A.D.

† Discovered in 1939 and presented by the landowner, the late Mrs. E. M. Pretty, J.P., to the nation. It is the burial of an East Anglian King of the 7th Century A.D.; the grave-goods (objects of bronze, iron, gold, silver, horn, cloth, etc.) were laid out in the middle of a 86 foot boat, and the whole buried in the ground and covered by a mound. Many items are unique and the whole find is in the front rank as a European art-historical and archaeological document.

‡ Objects of gold and silver (including coins, plate and bullion) which have been secreted in the soil or buildings, and of which the original owner cannot be traced, are Treasure Trove, and by law the property of the Crown. The Sutton Hoo treasure was not found to be Treasure Trove by the coroner's jury on the grounds that the burial must have been so obviously public that the treasure could not have been hidden or concealed secretly, and that there was no "animus revertendi".

(3) *Is the object of outstanding significance for the study of some particular branch of art, learning or history?*

This category includes a wide variety of objects, among which we may quote as examples the English translation of Orosius made for King Alfred (recently acquired for the British Museum from Helmingham Hall), Palladio's "I Quattro Libri dell' Architettura" with holograph annotations by Inigo Jones (the actual copy of the book from which English classical architecture directly derives), the Eumorfopoulos collection, the Hirsch Music Library, the original Davy Safety Lamps and the apparatus used by Faraday.

It also comprises objects forming part of an historical unity, series or collection, either in one place or in the country as a whole. Without a particular object or group of objects both a unity and a series may be injured—for example the Adam furniture at Osterley Park, the Jacobean chimney-pieces at Knole, and the English pottery in the Glaisher Collection at the Fitzwilliam Museum, Cambridge.

*Application of the Principles*

188. Opinions may well differ as to the relative importance of these categories, and on this we express no view. In our opinion the question whether or not export should be prevented depends, on the one hand on how high the object stands in one or more of these categories, and on the other hand on whether a reasonable offer to purchase can be assured. Special efforts must be made to safeguard objects like the Wilton Diptych which fall into several of these categories and stand high in each. Other objects may only qualify under one category and stand relatively low in it. In their case export may be prevented if the funds available to make any necessary offer to purchase are not required for other objects of higher priority.

189. In considering the question of national importance the needs of the local collections must not be overlooked. The standard may well be lowered on occasion to safeguard some object desired for a local museum or gallery.

*Principles of Control—Particular Categories*

190. So far we have been considering the general principles applicable to all the objects with which we are concerned. We must now consider what special factors affect particular categories of objects. In this it is not our intention to lay down a complete set of rules. That can only be done by the authorities responsible, on the best advice they can get and in the circumstances of the time. Here above all a flexible administration is needed, and much will always depend on the circumstances of the time and the facts of the case. In this part of this Section, therefore, while we shall mention some of the points made to us in evidence, and put forward our views upon them, it will be for the responsible authorities to review the whole system at intervals, to make such alterations as are needed, and to state publicly, so far as is practicable, the principles on which they are working. In particular, all categories of objects should be examined at regular intervals with a view to discontinuing the special scrutiny of those for which licences are never, in practice, refused.

PAINTINGS AND SCULPTURE

191. Except for historical portraits, most paintings and sculpture which would qualify as national treasures under one or more of the above heads are of high monetary value. Admittedly there are important pictures worth less than £1,000 and less than 100 years old. But no painting or piece of sculpture valued at less than £1,000 has ever been refused an export licence as a national treasure, and in the case of works less than 100 years old the problem is rather to secure the import of what we need than to prevent the export of what we have. We are satisfied that the monetary and age limits we propose will cut out much nugatory work (of the 821 pictures referred to the National Gallery during 1950, 690 were worth less than £1,000) and will concentrate attention on the cases that from the national point of view really matter.

192. Historical portraits present a special problem. Their importance often depends more on their subject matter than on their artistic merits, and their monetary values are much lower. *Prima facie*, therefore, a different monetary limit ought to be set in their case, particularly as many have the close association with our history and national life that brings them within the categories set out above.

193. On the other hand very few are exported (only 55 applications were referred in 1950) and the Director and Trustees of the National Portrait Gallery inform us that it is their policy to keep in very close touch with owners and encourage them not to sell, or, if they think of doing so, to approach the Gallery in good time. This policy of co-operation has had good results, and the more it is pursued, the less likely it is that historical portraits will appear on the export market without warning. And in fact no licence has yet been refused, although there have been cases where it might have been had not the object been acquired meanwhile by amicable negotiation. Such cases are so rare that they do not in our view justify making a special exception in favour of historical portraits and facing the administrative difficulties entailed in trying to distinguish them from other paintings. The £1,000 limit will catch those portraits that are of importance artistically as well as historically; and for the rest the efforts of the Director, aided by the increased purchase grants we recommend, should go far to secure most of what is of national importance.

PRINTS, DRAWINGS, ENGRAVINGS, ETCHINGS, WATER-COLOURS

194. Here the number of objects involved is much larger; their value (with certain exceptions) is lower; and the distinction is often less clear cut between the treasure and the article of commerce "of a kind produced in quantity for general sale". The Keeper of the Department of Prints and Drawings in the British Museum informs us that he receives about 80-100 references a year, many comprising large numbers of individual items.

195. Accepting the general unsuitability of export licensing as a means of controlling large numbers of objects of low value, we see no sufficient reason for excepting objects under this heading from the general minimum monetary limit of £1,000 which we propose. This limit will catch a few of the most important objects; the rest, we think, must be regarded as outside the scope



of the system. We realise the risk that many desirable acquisitions will be lost. We realise, too, the special importance of drawings and water-colours of topographical and local interest to local collections. But we were told that exports of these objects are not large in any event, and we think that, if they are to be secured, it must be by purchase rather than by export control, with the help of the added purchase grants which we recommend.

#### PRINTED BOOKS

196. We think that the same treatment should be accorded to printed books. It is true that, as was said in paragraphs 60 to 62, there has been a marked dispersal and there is a growing scarcity of printed books of certain periods in private hands. At the same time there are usually several copies in existence, and we were told that the number of cases of real importance where there is no recorded copy in any library in this country is comparatively small. In the case of British material printed later than 1850, there are copies in the copyright libraries.

197. We see no reason, therefore, to make an exception for printed books from the general rules we propose, and we recommend that they should not be subject to special scrutiny unless they are at least 100 years old and worth £1,000 or more.

#### FURNITURE, ARTICLES OF CRAFTSMANSHIP, OBJETS D'ART, ETC.

198. In this field, which includes porcelain, china and glass, silver- and metal-ware, miniature paintings and tapestry etc., the problem is very difficult. It is seldom possible to say that any specific object is a national treasure, yet collectively the drain is continuing and serious, and threatens to deprive the country of some of its most characteristic possessions. Their "natural home" is in the houses of Great Britain and they tend to lose significance if taken out of that setting. Apart from their aesthetic merits, witnesses drew our attention to their educational value and the desirability of their being well distributed throughout the country so as to maintain and foster high standards of taste and craftsmanship. We received pleas for the protection of objects of domestic use, such as cottage furniture, Victoriana and "by-gones"; and even for the preservation of pieces themselves modern, representing traditions of manufacture which still survive at the present time.

199. The preservation within this country of as many as possible of these objects is an aim with which we sympathise. At the same time we see no hope of arresting the outflow by means of export control. The present measures have proved singularly ineffective for the purpose, while nevertheless giving rise to a large amount of trouble and work. We have spoken already of the burden on the advisers and the difficulties which they encounter. Eight hundred and fifteen items were referred in 1950, and in no case was a licence refused.

200. In our view, the objects under this heading provide a typical example of the unsuitability of export control as a means of safeguarding objects of low value. The problem is in fact one of a general depletion which it is impossible to correct by specific measures. Increased purchase grants will

enable more to be bought for our national and local collections, for which these objects are particularly suitable; for the rest reliance can only be placed on the development of standards of taste which may lead to more being bought privately.

201. So far as export control is concerned, we recommend that these objects, like the others, should be subject to the minimum monetary limit of £1,000. We also recommend that each of these categories should be examined in due course, with a view to freeing as many as possible from the need for special scrutiny.

#### ARMS

202. This category provides a further example of the undesirability of using export licensing to control objects of low value, however old or historically valuable they may be. We learnt that fire-arms are exported in thousands to the United States of America, where there is a keen demand, and that the value of the individual items referred is sometimes as low as £2 10s. or £5. Out of 268 cases of arms and armour referred in 1950, covering, in the case of arms, items too numerous for separate recording, licences were refused for only two weapons.

203. We think that such objects can only be safeguarded by purchase, in this as in other cases with, we hope, augmented resources, and we recommend that arms should not be subject to special scrutiny unless their value exceeds £1,000.

#### ARMOUR

204. In the case of most types of armour the values are much greater and the historical importance is considerable. We think that special scrutiny must be maintained, but subject to the same monetary limit of £1,000. This may well exclude the plainer types of armour (e.g., that of the Civil War period) but we understand that much of this has survived. In this, as in other cases, we hope that additional purchase grants will enable what is needed to be purchased in the ordinary way.

#### COINS, MEDALS, NUMISMATIC COLLECTIONS

205. Witnesses put it to us that numismatic collections are a fundamental branch of evidence for the ancient and medieval historian, and that it is vital to retain unique or very rare coins and medals of British origin or those bearing intimately on British history. They also pressed for the retention of rare coins or medals, whether British or foreign, of universally acknowledged beauty and interest, if they have been here so long as to have acquired the character of a national treasure.

206. Again, however, these are objects of lower value which can be purchased in the ordinary way, and we learn from the Keeper of Coins and Medals in the British Museum that no proposed export has been submitted to him which he felt should not be allowed. Moreover, we cannot be blind to the relative ineffectiveness of export control as a means of preserving these treasures. Individual coins and medals are among the easiest things to conceal, and collections can be broken up and exported piece by piece. Accordingly, while we recommend the application of the same minimum monetary limit as for other objects, i.e. £1,000, we are not sanguine that it will be completely effective.



ANTIQUITIES, ARCHAEOLOGICAL AND PRE-HISTORIC OBJECTS, ETHNOGRAPHICAL MATERIAL, ETC

207. This heading covers a wide range of objects, and various points were made by witnesses. One was the undesirability of returning type specimens to places where there are no facilities for looking after them, or where the climatic environment is unfavourable. Another was the fact that antiquities are always being dug up and that archaeologists are usually prepared to come to terms about the distribution of types. In this case the witness stressed the importance of excavated material being freely exchangeable with other countries.

208. As regard Greek and Roman antiquities the Keeper of the relevant department in the British Museum thought that control should be influenced by the extent to which an object had been associated, and was known to have been associated, with an English family or collection. The number of such pieces of outstanding quality or national importance in private hands was small; they were known; and if an important Greek vase came up for sale, he was quite certain those interested would hear of it.

209. As regards Egyptian antiquities we were told, as we have already mentioned (paragraph 59), that there now remains little of particular interest in private hands. But this is not true of Assyrian sculptures, which were brought here in considerable numbers in the middle of the 19th Century.

210. Special importance attaches to collections of primitive art for their educational value and their bearing on modern art movements. They are at the same time of increasing interest to the Commonwealth and Colonies, anxious as they now are to build up collections of their own indigenous works of art. There is thus the possibility of a conflict between the needs of this country, as the seat of important schools of learning, and those of the Commonwealth and Colonies. We do not doubt, however, that any such differences can be resolved by friendly discussion between the parties, in which the claims both of this country and of the Commonwealth will be given full weight. In his evidence the Keeper of the Department of Ethnography in the British Museum thought that the guiding principle should be that, in general, things of great importance in the history of British colonisation and exploration should remain, together with enough to build up a representative anthropological collection.

211. We realise to the full the importance of many of the objects comprised under this heading, and we should be glad to see more of them retained. But we remain of the opinion that export control is an unsuitable means of safeguarding objects of this type. We accordingly recommend that objects under this heading should be subject to the common minimum monetary limit of £1,000; and that, if experience shows that any categories can be freed from control altogether, that step should be taken as soon as it is possible to do so.

EARLY SCIENTIFIC APPARATUS

212. Here we met a conflict of evidence. The Royal Society saw no grounds for fearing that early scientific apparatus was leaving the country to an undue extent; but the Director of the Science Museum pressed for careful control, including the licensing of any scientific instrument made more than 50 years ago.

213. We ourselves should prefer to see special scrutiny discontinued, but if it remains the minimum monetary limit of £1,000 should apply.

BUILDINGS AND PARTS

214. Lastly we come to the question of buildings and parts of buildings, such as ceilings, chimney-pieces, staircases, panelling, and garden temples, bridges and other architectural features. These are an important part of our national heritage, often closely associated with our history; and it was suggested to us that they ought to be no less carefully controlled than other works of art.

215. On the other hand one of our witnesses argued with great cogency that the aim should be, not necessarily to forbid export in the rare cases where it arises, but to favour it if to do so will assist in the preservation of the object in question. The chief danger menacing the historic buildings of this country was decay, and while, under the law, it was possible to stop them being demolished or altered, there was nothing to prevent a progressive deterioration. The choice therefore might be between the building or the part being preserved in some other country, or not being preserved at all.

216. We think there is force in this argument. We hope that legislation following upon the recommendations of the Gowers Report may be instrumental in preserving more of the historic buildings of this country and their contents. At the same time we see little likelihood of its being possible to preserve all that is worthy of preservation, and there may be cases, as with collections, where export is the lesser of the two evils.

217. The existing statutory definition is wide enough to cover all the objects in this field. The question of export is likely to arise only very seldom. We think that licensing control should be maintained (subject to the £1,000 minimum), but when applications are made, consideration should be given, not only to the national importance of the object, but also to its probable fate and the best means of securing its preservation.

SECTION VI

Manuscripts, Documents and Archives

218. We now come to a part of our subject where special considerations apply. Some of the objects grouped under the above heading resemble those with which we have been dealing hitherto and call for similar treatment; others—in particular manuscripts, documents, archives and historical manuscripts—are widely different. The difference is in effect between works of art on the one hand (i.e., objects having an intrinsic aesthetic value that are collected for their own sake or placed on show), and on the other hand objects that are of value primarily for purposes of historical, literary, scientific or other research. These categories are not, however, mutually exclusive.

*Works of Art and Objects of Aesthetic Value to be treated as such*

219. Objects under this heading which fall within the first of the above categories, i.e. objects which are of interest primarily from the aesthetic point of view, should be treated in the same way as the other objects described in Section V. That is to say the same age and monetary limit should operate, the same tests should be applied, and export should not be prohibited unless the owner can be assured of a reasonable offer to purchase. This applies in particular to illuminated manuscripts, although it may on occasion apply to other manuscripts and documents the importance of which is aesthetic rather than historical.

*Special Features of Documents and Archives*

220. Documents and archives, so far as they fall clearly into the second of the above categories, are different. They are the raw materials and the basis of research in many fields. Without them whole tracts of knowledge may remain obscure.

221. Secondly, to an even greater extent than other objects, documents and archives depend for their value on related material. A work of art is of value by itself, but a document is usually of significance mainly in relation to other documents, and can only be studied profitably with them. The whereabouts of the original, or of copies if copies will do, is therefore a matter of great importance.

222. It follows, not only that collections are important, but also that they must as far as possible be kept together. The student needs all the documents, which may have to be studied in a number of different contexts, and it is indeed sometimes more important to prevent collections from being dispersed than to save them from being exported.

223. There are undoubtedly still in private hands in this country vast quantities of historical papers, sometimes carefully looked after and made available; in other cases just left where they have accumulated through the years. Until they have been sorted and examined, no one knows what these collections contain, nor the effect they may have on research. The Historical Manuscripts Commission and the British Records Association are doing their best to locate these collections and get them into local Record Offices, but this policy—depending as it does on persuasion—is making slow progress. Moreover, even when located and recorded, they are not necessarily safe against dispersal. Recent enquiries have revealed that, of the manuscripts of 432 private owners covered by the Commission's published reports since 1869, 79 (16 per cent.) have been sold or have not been traced. Even an archive collection in a local Record Office is not always safe—the owner may only have deposited it on loan. In such a case there is nothing to stop him withdrawing it at any time, and any time and money spent on cataloguing and arranging it will have been wasted.

224. We were assured that reputable dealers and auctioneers are alive to the danger to scholarship of dispersal, and do their best to see that collections are not broken up unnecessarily or, if they are, that the parts go if possible where there is related material. But there is nothing to stop the

owner selling privately where, and to whom he chooses; and it still remains true that an owner can often get a better price by selling off the important documents separately, however disastrous this may be to the unity of a collection.

225. Moreover, these collections have a growing monetary value. In the past the chief dangers menacing them were neglect, ignorance and the activities of the lampshade manufacturer and the wastepaper merchant. The maintenance of an archive collection is a costly business, and in the past many owners, ignorant of the contents of their papers and unaware of their importance, regarded them as a useless encumbrance. Now the position is rapidly changing, and the importance of collections as the basis of study and research has become fully realised. So, we were told, American universities and libraries are active buyers at prices that tend to increase, and the pressure for archives to be exported becomes greater.

*Reproductions: Photostats and Microfilms*

226. The third distinctive feature of documents and archives is that, with the exception of some that are too frail, copies can be made. The two types of copy most commonly used are photostats and microfilms. Photostat copies can be made of documents up to 22 inches by 18 inches; larger documents must be copied in sections. The charge made by the Public Record Office for a copy of a document this size is 2s. 3d. for a negative and 3s. 6d. for a positive. Photostats can be filed or bound up in book form and treated just like the originals. Microfilms, costing as they do between 3d. and 5d. per exposure, are much cheaper and take up very much less room. They are commonly made in strips, or reels of 800 or 1,600 frames. They are generally made to give as brilliant a reproduction as possible, but by the use of different processes and illuminants they can be made to show up different characteristics of the original. They can also be made in colour, although at considerably greater expense. The disadvantages of microfilms are, first, that they can only be looked at one at a time and it is therefore troublesome to compare two or three rapidly. Secondly, much depends on the projector. We understand that cheap projectors are being developed; the ordinary size, as commonly used in libraries, costs about £100.

227. We were told that, for purposes of study and research, photostats and microfilms are an adequate substitute in all cases except where the original bears characteristics that cannot be reproduced photographically. This applies to such details as the quality and texture of the paper or vellum, the inks used, and insertions or emendations by different hands at different times. These all become increasingly important the earlier the document, and our evidence was that photostats and microfilms are not satisfactory for medieval and earlier manuscripts. For later documents and archives, although originals are always preferable, our witnesses were unanimous in saying that photostats and microfilms would serve their purpose.

228. The usefulness of microfilms, however, is limited by two practical considerations:—

- (i) There is no satisfactory evidence available as to their durability; and though they can always be re-photographed, this in itself gives no permanent guarantee for their preservation over the centuries.

- (ii) There is great difficulty in using microfilms for large unsorted collections of papers; for while the original papers can in some way be available for study even when unsorted, the use of uncatalogued rolls of microfilm is really out of the question.

229. Nevertheless the fact that much of this material can be copied means that, for purposes of study and research, the whereabouts of the original is less important. Copies can be made and placed with the related material, and the original can, and should if possible, remain in its natural home, or else go where it will be best cared for.

#### *Present Powers of Control*

230. So far as export control is concerned, there are at present three sets of powers. Public records are Crown property and those which may have strayed into private hands can be reclaimed at any time. The Public Record Office inform us that it is, indeed, their business to do so, whether there happens to be any danger of their leaving the country or not. But a good deal naturally depends on the way in which the term "strayed public records" is interpreted. It is well known that in the past, notably in the Tudor period, Ministers and other functionaries took away with them, on laying down office, considerable quantities of correspondence of a type which would now certainly be classed as "official"; and that this accounts for the great collections of State papers which exist, either still in private hands, or in the British Museum. We were informed that, although much of this material might reasonably be claimed for the Crown, such claims would involve legal and practical problems of very great complexity; so that in practice the Public Record Office regard as "strayed public records" only documents which clearly fill gaps in series already in their possession. Naturally this limits very considerably the field of possible cases for intervention.

231. Secondly, the Master of the Rolls has statutory responsibilities in regard to two categories of private records—manorial records (under the Property Acts, 1922 and 1924), and tithe documents (under the Tithe Act, 1936). We are told, however, that his powers under these Acts, while thought to be sufficient to prevent the export of records falling within these categories, have never in fact been tested. In the one case in which it was necessary to deal with the proposed export of a body of such protected records, both the exporter and the purchaser yielded to informal representations.

232. Thirdly, documents and manuscripts are protected, in theory at least, by the war-time legislation applying to the other objects with which we are concerned. They fall within the category of "articles manufactured or produced more than 75 years before the date of exportation"; an export licence is required; and reference is made to the British Museum if the manuscript or document is worth £100 or more. We are, however, informed by the Historical Manuscripts Commission that this war-time legislation has seldom, if ever, been used to save archives. They pointed out, moreover, that the chief antiquarian booksellers have been granted bulk licences for export to cover a period of three months, and need not obtain a specific permit for anything not individually worth more than £50. This, in their view, encouraged the already too prevalent practice of splitting groups of archives into small and arbitrarily selected lots.

#### *Projected Legislation*

233. We were informed by the Historical Manuscripts Commission that the problem of preventing archives from being dispersed and exported has for some time been receiving close attention elsewhere. The first step (already in hand) is to form a National Register of Archives of all dates and in all categories (local, ecclesiastical and private) save those covered by the Record Office Acts. As a next step it is contemplated that the archives should be divided into three main categories—starred, listed and unclassified. Starred archives (a strictly limited number) will be subject to inspection and to an absolute ban on sale, whether inside or outside the country, except to an approved repository or upon terms which would guarantee their continued integrity. For listed archives the ban would only be for a temporary period, during which efforts could be made to acquire them for a public repository.

#### *What should be done meanwhile*

234. If there is any likelihood of there being legislation in the near future it is undesirable to disturb the *status quo* more than necessary; on the other hand we learn that such legislation is unlikely to be passed for some time, and in the meantime the Board of Trade and the Reviewing Committee must have guidance on such cases as may come before them under the war-time legislation we have mentioned. Otherwise there is risk of archives being lost that ought to be retained.

#### *The Problem of Export*

235. Some of our witnesses were quite ready to contemplate the export of documents and archives on a considerable scale, *provided that copies are retained*. These witnesses represented that there are vast resources of scholarship in the United States and that unquestionably a number of the collections that have been exported in recent years, have received better treatment than if they had remained where they were. They have been edited and published in a way, and at a speed, that would otherwise have been impossible. Again, several of the Commonwealth countries are now seeking to acquire the originals of documents intimately connected with their history and development, and there are good grounds for letting them have these in appropriate cases.

236. Against these arguments there were those who represented that photographic copies could not generally be regarded as an adequate substitute for the originals apart from the practical difficulties mentioned in paragraph 228 above. Secondly, if collections went, there was the risk of unwittingly losing material of great national and sentimental value. Lastly it should not be assumed that collections would be more effectively dealt with abroad from the point of view of scholars than if they remained here. There, as here, there were large collections that had been awaiting attention for many years. These witnesses urged that the State had the duty to prevent the export of this material in original, at least until it had been examined; and they thought, moreover, that this right of veto should be exercised whether or not an offer of purchase could be made to the owners. We were here dealing with the basic material of our national history and it was quite wrong for this material to be allowed to slip away just because no

funds were available for purchase at that time, or purchase happened to be impossible on other grounds. In this connection it was pointed out that the storage accommodation at the disposal of the British Museum and the local Record Offices was strictly limited, and that therefore an offer to purchase might be out of the question, simply because there might be nowhere to put the archives when bought.

#### Conclusions

237. One of us considers that the arguments set out in the preceding paragraph are conclusive and that, in the special case of documents, archives and historical manuscripts, the State should retain the ultimate power to forbid export even though no offer to purchase can be made. He has attached a note setting out his reasons.\*

238. The rest of us cannot go so far. We have stated in paragraph 125 the reason why we think that export must not be prohibited unless the owner can be assured of an offer to purchase at a reasonable price. We realise to the full the importance of manuscripts, documents and archives, but we cannot regard them as so different from the other important objects with which we are concerned, as to justify the abandonment of a principle to which we attach the utmost importance.

239. Accordingly we make the following recommendations:—

(1) Save where there is permission to the contrary, the originals of manuscripts, documents and archives should never be exported without copies being made and deposited in an appropriate place. We contemplate that some suitable body, such as the Historical Manuscripts Commission, will draw up a list of repositories, indicating for what class of material each is appropriate; these will include university and other libraries, and local Record Offices equipped with apparatus for reading microfilm. Exporters will then be required to undertake that copies will go to the appropriate repository, or alternatively to show cause why this requirement should be waived as being unnecessary or unduly burdensome, or as imposing an unfair financial burden.

(2) †Where permission to export the originals is withheld, the owner must be assured of an offer to purchase at a reasonable price. In assessing this price regard should be had to the obligation to provide copies which would have arisen if export had been allowed.

(3) In the case of documents and archives the minimum monetary limit of £1,000 which we have recommended for other classes of object would not be appropriate. Much of the material of which we want to see copies retained, is of considerably lower value. The requirement to obtain export licences for these documents, and to deposit copies unless exempted, should therefore apply whatever their monetary value.

(4) We maintain our view that the system of special scrutiny should not be applied to objects, including manuscripts, documents and archives, less than 100 years old. We realise that modern documents and archives present a difficult problem and we share the concern expressed by some

\* Dissenting note by Professor V. H. Galbraith reproduced on page 65.

† This recommendation is subject to the dissenting note by Professor H. Galbraith on page 65.

of our witnesses that certain modern collections, such as the Lloyd George papers, may go abroad. We believe that the natural home of such papers—of such vital interest to the history of our time—is in this country and nowhere else. At the same time it cannot be denied that, sentiment apart, copies of such papers are as good as the originals; and moreover the administrative problem of controlling modern papers, and the inconveniences which would result, would be very great. The Customs and Excise cannot reasonably be expected to distinguish a piece of typescript that is of historical importance from one that is not, and it would be an intolerable inconvenience to travellers if they had to obtain export licences for every piece of paper that they carry. In these circumstances, anxious as we are to see collections such as the Lloyd George papers preserved, we think that this cannot be done by export control. The appropriate authorities may perhaps consider the best method of ensuring that the documents of outstanding statesmen of to-day pass eventually into public control.

## SECTION VII

### Valuation and Finance

240. We must now consider in more detail the implications of our recommendation that, where export is prevented, the owner must be assured of an offer to purchase at a reasonable price. It will be convenient at the same time to dispose of one or two other financial points that arise.

#### PURCHASE PRICE

241. Many of our witnesses thought that, if export is prevented, the owner ought to receive the international price. Some suggested the introduction of some system of pre-emption, such as exists in France, whereby after a sale by auction the State has the right to acquire the object at the knock-down value. These witnesses thought that it was wrong for the owner to suffer any financial loss as a result of the intervention of the State.

242. Other witnesses were against this suggestion. They thought that in some cases the international value might be higher than it was reasonable to ask the British taxpayer to pay. Not only was there a risk of collusive bidding if there was a general expectation that a particular object would not be allowed to leave the country, but these witnesses pointed to the way in which (according to them) the art market had from time to time been manipulated and rich buyers made to compete with one another for specially desirable objects. If the full international price had to be paid in every case, the British taxpayer might be virtually held to ransom.

243. A few witnesses thought that the basis ought to be what the owner could obtain for the object in this country; but others did not think this would be fair. The case of the two objects to which we referred to in paragraph 73 was relevant there the best price obtainable in this country was

£1,000 lower than could be obtained abroad. One witness went so far as to suggest that the basis might be the valuation for estate duty purposes. It was pointed out, however, that in the case where the object is exempted from duty until sold (and these must be a very high proportion of the cases with which we are concerned) the valuation has no particular significance, since on sale duty becomes payable, not on the valuation, but on the amount actually realised.

244. A point to be borne in mind in considering this question is the fact that estate duty may become payable on an object if it is sold abroad, but not if it is sold to a public collection in this country (paragraph 105, footnote). It follows that, if the State were to pay the full international price without any adjustment, the vendor would in many cases be very much better off (at the taxpayer's expense) than if he sold at the same price to someone else.

245. We ourselves would be in favour of relating the price paid to the owner to the international value, but we do not think that the principle can be applied without qualification. The main objection is that, if there is any likelihood that export will be prevented, there is a real difficulty in establishing an international value in the absence of an international market. The proposal for a right of pre-emption, in our view, falls to the ground for the reason indicated in paragraph 244 apart from any question of collusive bidding. Moreover it presents obvious difficulty in the case of the large number of objects that are not sold at auction.

246. In our view the aim must be to adopt the market price wherever the conditions admit of a genuine and reasonable market price being arrived at; in other cases to fix a price that is fair to both parties, i.e. the owner and the taxpayer. It must not be so low as to do injustice to the one; it must not be so high as to give ground for the suspicion that the taxpayer is being mulcted. It follows that any system of price fixing that is adopted must be relied upon to work fairly both ways, and be such as to satisfy all concerned that justice is being done.

247. We think that for the bulk of the objects with which we are concerned the question of price will present little difficulty. One major obstacle hitherto has been the uncertainty and the absence of any discernible principles on which the control is being operated. If our Report is accepted and published, and its principles are put into operation, it will soon become known over a fairly wide field what objects are not exportable. It is only in the case of these objects that problems will arise. Over the rest of the field there will be a debatable margin within which export may or may not be allowed. If these objects come up for sale there is no reason why foreign collectors or institutions should not make bids and so help to establish an international value, which can then be accepted as the basis of a reasonable offer to purchase, subject to any adjustment that may be necessary to take account of the exemption from estate duty. If an object is of a kind in which there is a genuine market (i.e. which is commonly bought and sold) we are quite clear that it is right to be guided by genuine offers from abroad, made in the expectation of business resulting. If necessary the genuineness of the offer, and the status of the person making it, can be checked in the ordinary way.

#### *Valuation of Prohibited Exports*

248. In the case of the few exceptional articles for which it is known that export is not likely to be permitted no genuine offer to purchase, made in the expectation of business resulting, can be expected from abroad. Even here, however, we think that it will not be found impossible to arrive at a price which can be accepted as fair and reasonable by all concerned. The process of valuation must always start from facts, and in such cases there may have been offers in the past, of which account can be taken, or transactions in comparable, or closely related objects, which can be used as a standard. It may be known, for example, that a similar object recently sold for £X and that this object, which is better, must therefore be worth more. Having thus started from some basis of fact, some adjustments either way may then be necessary. It may be that any definite offer which was made for the object, was made some time ago and that there have subsequently been changes of fashion or significant trends in values for this kind of object, of which account must be taken. Again, an adjustment may be necessary to take account of trends on world markets. There may be records of transactions in comparable objects abroad which should be consulted. In these and other ways, although there may be no possibility of a genuine offer from abroad, it will, we think, usually be possible to arrive at what the international value would have been if there had been an international market, and this, we think, should be the basis of the offer. The same process has been applied in recent legislation in more than one case where there is no true market in the generally accepted sense of the term.

#### *The Valuation Panel*

249. In a large number of cases agreement will no doubt be reached without much difficulty between the owner or dealer who is selling, and the director or keeper who is hoping to buy. Where such agreement cannot be reached, however, and the question of refusing a licence arises, it is essential that the valuation which is to be used as the basis of the offer to purchase should be made by someone completely impartial, and not by interested parties such as the owner or dealer, or by museum officials. Accordingly, we recommend that, for all classes of objects, a list of valuation experts should be drawn up, to whom such cases can be referred for their opinion as to what would be a reasonable offer to purchase. These must be persons of complete impartiality. From this list someone should be chosen, disinterested in the particular transaction, who, before giving his opinion, will make such enquiries, and take such advice from the trade and other competent sources, as he thinks fit. His advice will then be available to the Reviewing Committee when they consider the case.

#### *Adjustment for Exemption from Estate Duty*

250. As already mentioned, in many cases a material factor in arriving at a reasonable offer to purchase will be the amount of estate duty the owner will save if the object is sold to one of the specified institutions. This is not known publicly, although a very rough estimate can be made from the information on the face of the grant of probate as to the amount of the estate and the amount of duty paid on application for probate. It would be possible by legislation to authorise the Board of Inland Revenue to disclose this information to the Reviewing Committee, but we do not favour this course. We prefer co-operation with owners wherever possible

251. Accordingly we recommend that the independent valuer should give his assessment of the current market value without regard to the position about estate duty. We think the owner might then be asked to disclose how much he will save if the object is bought by the State. If he refuses it will be for the Reviewing Committee to make the best assessment they can, and in these cases, failing more precise information, the initial offer to purchase will no doubt often have to be made on the assumption that duty would otherwise be payable at the maximum rate.

252. The exact price paid will still be a matter for negotiation. We were told that in the past the concession has been of less benefit to the national institutions than it might have been because the price they offered used to be the market price less the whole amount of the duty that would otherwise have been payable. This meant that the owner gained no financial advantage from selling to the State, and was under no inducement to do so. This practice obviously defeated the intentions of the concession, and we are glad to learn that it has now been changed. The object must still be acquired at as low a cost to the taxpayer as possible, but we do not think it wrong for the owner to derive some moderate advantage from the operation of the concession.

#### PROVISION OF FUNDS

253. Our recommendations necessarily mean that, if more is to be saved from export (and this is a dominant consideration), more money is needed. How is this to be provided?

##### *Special Taxes*

254. Many of our witnesses suggested special taxes, either on the export of works of art, or on sales within this country. From the proceeds of such taxation they thought that it would be possible to constitute a fund from which to finance the purchase of objects that it was sought to save. We do not favour this course. Some of the objections to an *export tax* we have already given in Section III, viz.: the problems of definition which would arise and the difficulty and expense of collection. These difficulties apply equally to the proposal which commended itself to the Curzon Committee, namely a *percentage tax on the gross proceeds at auction of works of art*. Moreover any such tax would involve registering sale rooms throughout the country and supervising the sales. Some means would have to be found of distinguishing works of art liable to tax from the other objects commonly sold on these occasions. In any case it is by no means the fact that the bulk of the objects with which we are concerned are sold at auction. Any tax on auction sales would undoubtedly lead to more being sold privately.

255. The objections to a third proposal, that of an *ad valorem stamp duty on sales of works of art*, were cogently stated by the Curzon Committee in the following terms:—

"An insuperable objection to such a scheme appears to us to be that it would have, not merely logically, but in practice, to be applied to private no less than to public sales. Otherwise arrangements would be made to invest every sale of these commodities with a private character. But the moment a private sale, or what may colloquially be described as a 'deal across the table' is effected, how would it be possible to compel the imposition of a stamp or the drawing up of a deed registering the transaction? And if the analogy

of securities be taken, which are registered in order to be taxed in this country, or else impressed with a stamp of 1 per cent. of their face value, but which, when delivered abroad, require no stamp and thus escape the tax, would not the imposition of the proposed tax result in the delivery of purchases abroad, at least in all cases (and this applies more particularly to pictures) where the purchaser was a foreigner?

Above all, it seems superfluous to remark that such a tax would in practice lead to evasion on a colossal and carefully organised scale. People would see the very inconsiderable risk of the sale being declared null and void from the absence of the stamped contract and would continue to make their private bargains, possibly with the aid of subterfuge, to exchange cheques, and, in the case of the purchaser, to disappear with the commodity bought. Indeed, successfully to place a tax upon articles which pass by delivery, and have no face value like securities, and cannot be stamped like paper, would appear to be beyond the wit of man."

256. Apart from the particular objections to particular taxes, we are satisfied that the yield of any form of special taxation would be disproportionate in relation to the cost of collection, the administrative difficulties and the burdensome effect on trade. Moreover, under the British fiscal system, there are strong objections to special taxation and assigned revenues in any form. Established practice requires the proceeds of all taxation to be pooled and made available to meet the expenses of the country generally; and any system which related expenditure, not to need, but to the proceeds of special taxes would not, we feel sure, commend itself to the authorities concerned.

##### *A Central Fund*

257. The next suggestion was that a central fund should be set up, financed by the Exchequer, from which grants could be made towards the acquisition of objects that would otherwise be exported. This would, it was said, have many advantages. On the analogy of the National Land Fund it would enable money to be set aside in better times from which grants could be made available speedily, without the necessity for Supplementary Estimates. Above all it would be available equally to national and local institutions.

258. An extreme suggestion along these lines was that the State should set aside a lump sum of several million pounds, with which to acquire now all the objects that are of national importance. The sum needed was small in proportion to the daily expenditure of the State on other things; the assets to be acquired were capital assets which tended if anything to increase in value; and after this process had been carried out, the trade could be entirely freed, with all the saving in administrative overheads that that would entail.

259. We have no hesitation in rejecting this course, which was considered and rejected by the Curzon Committee. It does not meet the fact that objects of national importance are not a fixed and known stock, but are always coming to light and being affected by changes in fashion, research etc. It would inevitably cause prices to harden against the State. It ignores the fact that many of the objects in question will pass into public ownership in due course under the ordinary operation of the estate duty exemption (see paragraph 147); or alternatively should be preserved in the historic

houses to which they belong. Lastly we see no likelihood of the Chancellor of the Exchequer, or Parliament, being prepared to make available such a lump sum.

260. We are equally not in favour of a central fund, financed by grants-in-aid, from which assistance would be given towards the cost of objects that would otherwise be exported. We must have regard to the fact that the Public Accounts Committee have recently expressed some disquiet at the extension of the system of grants-in-aid not subject to detailed Parliamentary control, and the Treasury has undertaken not to start new ones without the most careful scrutiny and enquiry. There would be particularly grave objections to using a fund, fed by grants-in-aid, to supplement the purchase grants (themselves grants-in-aid) of the national collections. In that event Parliament, in voting these grants-in-aid, would no longer have effective control over the total sums reaching the collections in any one year from the Exchequer.

#### *Increased Purchase Grants-in-aid*

261. Any central fund would have to be large if it were to suffice for the exceptional transactions that from time to time arise; and we think it much better that any money available should be devoted to increasing the ordinary purchase grants of the national collections. We have already spoken in paragraphs 135-136 of the urgent need for such an increase, despite financial stringency; and, convinced as we are that export must not be prevented without a reasonable offer to purchase, we see no choice between the provision of more money and the risk of essential objects being lost. We therefore recommend that the purchase grants-in-aid of the grant-aided collections should be substantially increased.

#### *Special Grants*

262. With increased purchase grants-in-aid, carried forward as at present from year to year, we hope that the national collections will gradually build up reserves with which to meet exceptional cases as they arise. Where, however, there is risk that an object of paramount importance will be exported and a national collection has not sufficient resources to acquire it, we think that the difficulty must continue to be met, as hitherto, by special grants provided by Parliament. This method preserves Parliamentary control and enables the case to be considered in the circumstances of the time. The money is provided, either as an addition to the normal purchase grant (if the need happens to become known when the Estimates are being prepared), or more usually by a Supplementary Estimate. Supplementary Estimates take a little time to get through, but not usually longer than the deal takes to complete. If the money has to be provided at an earlier stage, it can be advanced from the Civil Contingencies Fund.

263. We do not regard this method as ideal; in particular we cannot doubt that there would have been far more applications for special grants in the past if the national collections had thought that such applications would be favourably received. But we believe that it is the only feasible method of reconciling the needs of the collections with the financial and economic necessities of the times.

#### *Assistance to Non-Grant-Aided Institutions*

264. We have already discussed in Section IV some of the problems of helping those museums, galleries and libraries which are not in receipt of monies voted by Parliament. To give them direct subsidies from the Exchequer would be contrary to established practice, and to set up a new intermediary for the purpose - possibly on the lines of the Arts Council, as has been suggested - would be difficult to justify in view of the comparatively small number of objects likely to be saved from export for local institutions.

265. In our view the problem can best be tackled in three ways. In the first place, just as we have recommended substantially increased purchase grants for the grant-aided collections, so we recommend that those responsible for the finance of our local institutions, i.e. local authorities and others, should substantially increase the sums at their disposal for this purpose.

266. Secondly we recommend a corresponding increase in the sum voted annually to the Victoria and Albert Museum for grant-aiding purchases by local institutions (see paragraph 140).

267. Lastly we recommend that if in any case special assistance is needed to enable a local institution to purchase some object that would otherwise be exported, it should be open to that institution to approach the Victoria and Albert Museum to sponsor a special grant, to be provided if necessary by Supplementary Estimate.

268. In the case of objects desired by a Colonial Government it will be for and Colonial Office to consider, in consultation with that government, from what source funds can be procured.

#### *Importance of Voluntary Effort*

269. In making these recommendations a factor in our minds is the importance of doing nothing that might weaken the incentive to voluntary and local effort. Anxious as we are to see objects saved from export and our public collections built up, we do not think that this objective should be achieved solely by the expenditure of the taxpayer's money. Others must play their part. We fear that the establishment of a large central fund, in particular, would tend to lead to the gradual drying-up of subscriptions to the National Art-Collections Fund and the other bodies concerned, and to the whole burden falling eventually on public funds. Our recommendations are designed to ensure that it is shared. It will only be when an object cannot be purchased by a collection from its own augmented resources, with assistance possibly from the National Art-Collections Fund or some other similar body, that the Reviewing Committee will consider the case and make an appropriate recommendation to the Chancellor of the Exchequer.

#### *Income Tax Reliefs*

270. Our attention was drawn by witnesses to the system which prevails in the United States of America whereby gifts in cash or in kind to certain recognised public institutions can be deducted before taxable income is computed. We see no likelihood of any such system proving acceptable here. It would mean in effect allowing transfers of capital to be deducted from current income, and would be inconsistent with the basis of our system of direct taxation. Regular gifts in cash under deed of covenant, which form part of the income of the institution concerned, already qualify for certain reliefs. In our opinion this is the appropriate form in which to give such relief.



## SECTION VIII

### The Machinery of Export Control

271. Our final task is to consider what administrative arrangements are needed to give effect to our recommendations.

#### *Departmental and Ministerial Responsibility*

272. So long as export licensing is needed to support the exchange control there can be no question of setting up different machinery to safeguard national treasures; moreover there is no need. The Export Licensing Branch of the Board of Trade is by now well used to this work. We recommend that the Board of Trade should continue to be responsible for the executive work. This will be somewhat eased by the recommendations we have made, and we hope that the Reviewing Committee and the others concerned will at all times be alive to the importance of eliminating unnecessary work and delay. The rules should be such as to enable the Export Licensing Branch to do as much as possible without reference to others.

273. Under the present system Parliamentary responsibility for safeguarding national treasures is accepted by the Chancellor of the Exchequer, and we recommend that this arrangement should continue. A Minister who can be questioned in Parliament is essential in a field where public money is at stake and private rights may be affected. The Chancellor is already responsible for the Votes of most of the national collections, and it would be anomalous if the responsibility for grant-aiding the purchase of works of art etc. for the nation were vested in two different Ministers. We have heard it said that Chancellors are necessarily too much biased in favour of economy. But the history of the University Grants Committee and the Arts Council (for which the Chancellor is also responsible) encourages us to believe that they will take as wide a view of their obligations as circumstances permit.

#### *Expert Advice and Consultation*

274. We recommend that applications for export licences should, as at present, be referred for advice to the recognised advisers of the Government. The list of such advisers (reproduced in paragraph 16 of Appendix II) is at present limited to the directors and keepers of the national collections and various appropriate museums. We think that the Reviewing Committee should be free, if they so desire, to add to the list of expert advisers in suitable cases. If in any one field more is likely to be referred than one man can reasonably handle in addition to his normal work, we hope that, rather than let the applications be delayed, the adviser concerned will ask the Reviewing Committee to appoint one or more additional experts.

275. It will be for the advisers to settle, in consultation with the Export Licensing Branch and the Reviewing Committee, how much information is required about each class of object referred. The position varies too much for any common rule to be possible, but the expert must be given enough information to come to a right decision. The burden on the trade of supplying this will be very substantially eased by our recommendations on age and monetary limits, and re-exports (paragraphs 164, 169 and 182), designed as they are to reduce the number of objects that have to be specially scrutinised.

276. It is always most important that the fact of an application, and the information supplied, should be treated as strictly confidential.

277. We are not in favour of any system requiring objects to be sent to a central point for inspection, or packed under supervision. Such systems penalise the legitimate trade while doing little to curb the activities of those bent on evading the control. On the contrary, we look to the development of close and friendly relations between owners, the trade and the directors and keepers of the national collections to ensure that objects of importance are not presented for export without due warning and adequate information.

278. In considering the applications that come before them the advisers will be guided by the tests of national importance suggested in Section V. It will also be for them, as hitherto, to bear in mind the existence of institutions outside London and bring to their notice cases that might interest them. In this they will have the assistance of the London representatives whose appointment by Scottish, Welsh, local and Commonwealth institutions we have recommended. We hope that all concerned, including the Reviewing Committee, will constantly bear in mind the needs of the institutions outside London and the importance of doing what is possible to help them.

279. We must, however, again stress the importance of avoiding undue delay. If an application comes up in which an institution outside London is likely to be concerned, the necessary consultation should be expedited in every possible way. While we would not favour a rigid time-limit, such as has sometimes been suggested, we think that only in quite exceptional circumstances should an applicant for an export licence be kept waiting for as much as two or three months.

#### *Action where refusal is contemplated*

280. If a refusal is contemplated the expert adviser will bring the case before the Reviewing Committee for preliminary discussion. If his view is supported he, or the collection that is thinking of buying, will get in touch with the owner or his agent and discuss the situation. If the owner is willing to sell, negotiations will ensue, and if agreement is reached and the purchase can be made by the institution from its own resources, the transaction can be completed at once.

281. If agreement is reached but the price cannot be met by the institution from its own resources, efforts will be made to raise the money elsewhere. If necessary the case will again come before the Reviewing Committee for them, if they see fit, to recommend a special grant.

282. If the owner is willing to sell, but no agreement can be reached on price, the case will be referred to the appropriate independent valuer (see paragraph 249) who, after such inquiries as he thinks fit, will give his opinion as to what is a reasonable price. If the owner agrees to accept this price (adjusted as necessary to take account of any exemption from estate duty) the transaction can proceed; if not it will be for the Reviewing Committee to advise whether the refusal should be maintained.

283. If the owner refuses even to negotiate it will be for the Reviewing Committee to consider whether the licence should be refused. In this they will be guided by the probable fate of the object and the possibility of a reasonable offer (as assessed by the valuer) from some source within the country.



### *Advance Rulings*

284. The question whether advance indication should be given, either by the Reviewing Committee or by the expert advisers, that particular objects will not be allowed to leave the country, presents considerable difficulty. If such rulings are not given, all concerned in a proposed transaction may be exposed to all the frustration and waste of time, money and effort mentioned in Section II. Our American witnesses pressed very strongly for advance rulings. On the other hand if they are given, and become public knowledge, the effect is at once to remove any possibility of the owner receiving a genuine offer from abroad, and as a result the establishment of a fair value may become much more difficult. This argument has special cogency in the case of a sale by auction.

285. We ourselves deprecate any general practice of giving advance indications of any kind, formal or informal. We are clear that they should never be given except on the authority of the Reviewing Committee, and then only to the owner or his accredited agent.

### *The Reviewing Committee*

286. The task of the Reviewing Committee will be:—

- (a) to lay down guiding principles and supervise the operation of the system generally;
- (b) to consider cases of suggested refusal;
- (c) to consider any other cases which present unusual or special features or in which an adviser feels that a second opinion is needed;
- (d) to consider cases in which a special grant is needed towards the purchase of an object that would otherwise be exported, and advise the Chancellor accordingly (see paragraph 262).

287. Some of our witnesses thought that it would be necessary to have, not only a Reviewing Committee, as at present, but also a further committee to advise the Treasury in cases where purchase is recommended. Other witnesses thought that there ought to be a right of appeal from the decision of the Reviewing Committee to some kind of Appeals Committee. We do not recommend either course. The refusal of a licence is in our view so much bound up with the making of a reasonable offer to purchase that it would be impossible to try to split the two aspects and remit them to different Committees. Moreover, since the final decision must be taken by the Chancellor of the Exchequer, it seems superfluous to set up a Committee of Appeal. In the last resort it will be for the Chancellor to disregard the advice of the Committee, or order a case to be reopened, if he has doubts about the advice he receives. We therefore recommend that there should be one committee only, which should be small in size for rapid action and so constituted as to be impartial.

288. With this end in view we recommend that in future the Committee should be under an independent chairman. This is a change which is favoured both by the Treasury (who have hitherto provided the chairman) and by the Board of Trade, and we are convinced that it will add greatly to the status of the Committee as an independent body in the public eye. We recommend that the chairman should be a person of standing, experienced in administration, and having a recognised interest in art and learning.

289. To strengthen the independent element on the Committee we recommend that, in addition to the chairman, there should be three independent members of experience and high standing. These should be appointed by the Chancellor of the Exchequer after considering names submitted by the chairman.

290. We recommend the continuance of the existing system whereby three directors or keepers not connected with the case in hand sit as members. These should be selected by the chairman, and as at present one should be chosen from an institution outside London—Scottish, Welsh or provincial.

291. In this connection our attention was drawn to the fact that some branches of art and learning (e.g., archives and historical research) used not to be represented on the Committee at all. The reason for this, however, was that no case involving such interests had come up for consideration. As soon as it did, steps were taken to invite a suitable representative of the interest concerned. We recommend that this element of flexibility should be continued and that, in selecting the directors or keepers to sit in any particular case, the chairman should see to it that one is an expert in the branch of art or learning concerned.

292. We think that the representatives of the departments concerned—the Treasury, the Board of Trade and the Foreign Office—should continue to sit on the Committee, but as assessors, not members. In that capacity they will participate in the discussions and will be able to make their views known, but will not vote. Likewise representatives of the Commonwealth Relations Office and the Colonial Office should be entitled to sit as assessors when cases affecting them come up. Some of our witnesses thought that these departments, and the Foreign Office, should not be represented on the Committee at all. We do not share that view. Export control necessarily affects relations with other countries, and it is right that those whose business it is to conduct those relations should be in a position to make their views heard.

293. Hitherto the director or keeper recommending the refusal of a licence has sat as a member. We recommend that in future he should not sit at all, either as a member or as an assessor, but should appear before the Committee as a party and state his case. The same applies to any provincial director or London representative who may be directly concerned.

294. If these recommendations are accepted the Committee will consist of seven members, and up to five assessors, as follows:—

*Members:* Independent chairman (permanent).

Three independent members (permanent).

Three directors or keepers selected by the chairman for the case in hand, as described in paragraphs 290-291.

*Assessors:* Treasury representative.

Board of Trade representative.

Foreign Office representative.

Commonwealth Relations Office and Colonial Office representatives if concerned.

### Procedure

295. We have already recommended that the director or keeper who is recommending the refusal of a licence should not sit, but should appear and state his case; and we recommend that the other parties to the case, i.e., the owner, the dealer or exporter, the would-be foreign purchaser and the independent valuer, should equally have a right to attend or be represented before a final decision is reached.

296. For the rest we recommend that the procedure should be kept informal, and efforts made to reach agreed decisions wherever possible. To that end we recommend that the Committee should sit in private, and not itself make public the reasons for its decisions. Its task is to advise the Chancellor, and it is for him to decide how much to make public.

297. On the other hand Parliament and the public are entitled to know what is going on, and we therefore recommend that the Committee should be required to submit an annual report to the Chancellor, to be laid before Parliament. This report should give particulars of the number of applications for export licences, the number referred to the advisers, the number allowed, the number of times the Committee has met, and the number of applications refused. The report might go on to give brief particulars of the way in which the system has worked during the year, and the guiding principles adopted. In this connection we wish to stress again the importance of giving owners, exporters and the trade as much information as possible; and we recommend that the Committee should make the issue of a descriptive leaflet one of its first tasks.

### The Advisory Council

298. A large number of different branches of art and learning are involved in the subject matter of our enquiry, and also a large number of different institutions. All these interests could not be represented on the Reviewing Committee, and yet their knowledge and advice would be of value. Accordingly we recommend the creation of an Advisory Council, widely representative, which would meet on occasions, as circumstances may require, to discuss matters of common interest and the operation of the system as a whole. Such a Council will be able to advise whether the appropriate standards are being adopted for the different categories of objects, and will enable the provincial institutions and the trade to make their views known.

299. We recommend that the chairman of the Reviewing Committee should be chairman of the Council, and the following should be entitled to attend:—

- (i) The independent members on the Reviewing Committee *ex officio*.
- (ii) Up to six other independent members, selected by the Chancellor after considering names submitted by the chairman.
- (iii) The departmental assessors on the Reviewing Committee, i.e. representatives of the Treasury, Board of Trade, Foreign Office, Commonwealth Relations Office and Colonial Office.
- (iv) The expert advisers to whom applications for export licences are referred.

- (v) The heads of the grant-aided collections outside London, i.e. the Royal Scottish Museum, the National Galleries of Scotland, the National Museum of Antiquities of Scotland, the National Library of Scotland, the National Museum and the National Library of Wales.
- (vi) Six members selected by the Chancellor from names submitted by the Museums Association to represent non-grant-aided museums, galleries and libraries in England and Wales.
- (vii) Two members similarly selected from names submitted by the Scottish Federation of Museums and Art Galleries to represent non-grant-aided museums, galleries and libraries in Scotland.
- (viii) The London representatives of Scottish, Welsh, provincial and Commonwealth institutions where appointed (see paragraphs 142 and 158).
- (ix) Representatives of the Arts Council, the National Art-Collections Fund, the Friends of the National Libraries, the Pilgrim Trust and the two National Trusts.
- (x) Representatives of:—
  - The Royal Academy.
  - The Royal Scottish Academy.
  - The British Academy.
  - The Society of Antiquaries.
  - The Society of Antiquaries of Scotland.
  - The Royal Historical Society.
- (xi) Two or three representatives of the trade, selected by the chairman from lists of names submitted by the appropriate trade organisations.

300. We do not expect that all these members will attend on every occasion, nor do we think that the expenses of those who do (with the exception of the independent members) should be a charge on the Department convening the meeting. It will be for the members to make their own arrangements with the institutions or bodies they represent. But we think there is advantage in giving a wide circle of those concerned the right to attend, if they wish, so that the Advisory Council can play its full part in dispelling misunderstanding, explaining what is happening, and providing a forum for the discussion of matters of common concern.

## SECTION IX

### Summary of Recommendations

301. The following are our main recommendations. They are unanimous, with the exception of Recommendation 2. In the interests of brevity we have not included in this summary a number of recommendations on minor matters which will be found in the body of our Report.

1. The State must retain the right to prevent the export of objects of high importance in suitable cases (paragraph 124).

2.\* In every case in which export is prevented the owner must be assured of an offer to purchase at a fair price (paragraph 125).

3. Those in charge of our public collections should look ahead as far as possible, and do all they can to secure *desiderata* before they come into the export market (paragraph 123).

4. Export control should be confined to limited categories of objects of high importance (paragraph 97).

5. So long as export licensing is needed for other purposes it should be used as a means of controlling the export of national treasures. If at any time it ceases to be needed for other purposes, some different system may have to be considered (paragraphs 124 and 104).

6. No object should be subject to special scrutiny if it is less than 100 years old (paragraph 164).

7. No objects except manuscripts, documents and archives should be subject to special scrutiny if they are worth less than £1,000. This limit should, however, be reviewed if necessary (paragraph 169).

8. The tests for assessing the importance of an object of national importance are:—

(1) Is it so closely associated with our history and national life that its departure would be a misfortune?

(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?

The question whether export should be prevented will depend on how high the object stands in one or more of these categories, and on whether a reasonable offer to purchase can be assured (paragraphs 187-188).

9. Except where there is permission to the contrary the originals of manuscripts, documents and archives should never be exported without copies being made and deposited in an appropriate place (paragraph 239).

10. Objects which have been imported within the last 50 years should be exportable as of right without special scrutiny. A clear public statement should be made to this effect (paragraphs 182-183).

11. All categories of objects should be reviewed at regular intervals with a view to discontinuing the special scrutiny of those for which licences are never in practice refused (paragraph 190).

12. Export control should be operated primarily in the interests of this country, the proposed destination of an object being a secondary consideration (paragraph 157).

13. Advance indications should be given only on the authority of the Reviewing Committee, and then only to the owner or his accredited agent (paragraph 285).

14. Offers to purchase should be related to the market price wherever the conditions admit of a genuine and reasonable market price being arrived at. The incidence of estate duty should be taken into account (paragraphs 246-247).

\* This recommendation is subject to the dissenting note by Professor V. H. Galbraith on page 65.

15. In other cases, and where agreement cannot be reached, the offer to purchase should be based on an impartial valuation, taking account of any previous offers for the object and transactions in comparable and closely related objects, regard being had to any changes of fashion etc., and to the trend of world markets (paragraphs 248-249).

16. A list of valuation experts should be drawn up to whom cases can be referred for their advice on values (paragraph 249).

17. The annual purchase grants-in-aid of the grant-aided collections should be substantially increased, as should the grants-in-aid to the Victoria and Albert Museum for assisting acquisitions by other institutions (paragraphs 261 and 266).

18. Those responsible for the finances of other institutions should likewise place additional purchase grants at their disposal (paragraph 265).

19. In the case of the grant-aided collections any special financial assistance needed for the purchase of an object that would otherwise be exported should be given by special grant upon the recommendation of the Reviewing Committee (paragraphs 262 and 286).

20. If any such special financial assistance is needed by a non-grant-aided institution, it should be open to that institution to approach the Victoria and Albert Museum to sponsor a special grant (paragraph 267).

21. The Board of Trade, as the department responsible for export licensing, should continue to have executive responsibility for the machinery of control (paragraph 272).

22. Ministerial responsibility should remain with the Chancellor of the Exchequer (paragraph 273).

23. The directors and keepers of the national collections and other appropriate museums should continue to be responsible for advising on the cases referred to them. The Reviewing Committee should be free to add to the list of expert advisers if they so desire (paragraph 274).

24. The advisers should bear in mind the interests and needs of institutions outside London, and bring to their notice cases that might interest them (paragraph 278).

25. Institutions outside London, including those in Scotland, Wales and the Commonwealth, should if they so desire appoint London representatives to keep them in touch and sit on the Advisory Council (paragraphs 142 and 158).

26. Consultation should take place as rapidly as possible. Only in exceptional cases should an applicant for an export licence be kept waiting as much as 2 to 3 months (paragraph 279).

27. There should be a Reviewing Committee of seven members to supervise the operation of the system generally; to consider all cases in which the refusal of an export licence is suggested; and to advise the Chancellor in cases where a special purchase grant is needed to save an object from exportation (paragraphs 286-294).

28. The Reviewing Committee should be under an independent chairman of standing, experienced in administration and having a recognised interest in art and learning (paragraph 288).

29. In addition there should be three independent members of experience and high standing (paragraph 289).

30. For each case three directors or keepers not connected with that case should be selected by the chairman to sit as members, one being chosen from an institution outside London (paragraph 290).

31. Representatives of the Treasury, the Board of Trade, and the Foreign Office should sit as assessors, together with representatives of the Commonwealth Relations Office and Colonial Office if concerned (paragraph 292).

32. All the parties concerned in a case should have the right to attend or be represented before a final decision is reached (paragraph 295).

33. The procedure should be kept informal. The Committee should sit in private and not itself make public the reasons for its decisions (paragraph 296).

34. It should submit an annual report to the Chancellor of the Exchequer, to be laid before Parliament (paragraph 297).

35. The Committee should make known as widely as possible the rules and principles on which the system is being operated (paragraph 297).

36. A widely representative Advisory Council should be set up, under the chairmanship of the chairman of the Reviewing Committee, to meet periodically, discuss matters of common concern, and keep all the various interests in touch (paragraphs 298 to 300).

### Conclusion

302. We have two final observations to offer of a general character.

303. It must be recognised as implicit in our specific recommendations that there shall be general co-operation between those responsible for the great national collections on the one hand and owners and dealers on the other hand, the former being active in defining and making known their prospective requirements, and the latter giving such information and guidance as may be open to them regarding impending sales or projected exports.

304. Such co-operation should greatly reduce the area of possible controversy and sensibly diminish the burden on the Reviewing Committee. What we have to emphasise, however, and this we stress with the utmost conviction, is that all efforts to preserve our national heritage will be largely nugatory unless the meagre sums hitherto available for the maintenance and development of the public collections are very substantially augmented. We are not blind to the need for subjecting public expenditure to close control in the present difficult circumstances, but we are satisfied that all the money required for a purpose so important to succeeding generations could be found without imposing any significant burden on the national economy.

305. We are greatly indebted to our secretary, Mr. A. E. L. Parnis of the Treasury, for the zeal and thoroughness with which he has met every requirement of the Committee, and in particular for his invaluable assistance in the preparation of this Report.

(Signed) WAVERLEY (Chairman)

A. F. BLUNT

CRAWFORD AND BALCARRES

RUTH DALTON

V. H. GALBRAITH\*

CHRISTOPHER HUSSEY

LIONEL ROBBINS

6th September, 1952.

A. E. L. PARNIS (Secretary).

### NOTE BY PROFESSOR V. H. GALBRAITH†

My difference with my colleagues turns upon the relative importance attached by them and by me to the discovery of historical truth. The export of "manuscripts, documents and archives" is only a part of a much larger problem, viz., the protection and organisation of Local Records, and more especially of records in private hands. These offer a unique opportunity to widen and deepen our understanding of the national past. In the light of the new information which they alone can give, British History is today being largely rewritten. For this task one of the most significant intellectual activities of our time the records must be treated as a whole, and in such a way as to make them best available to scholars of all countries. In my opinion an obligation rests upon the government to take all necessary steps to this end; and it is common ground that this can only be done by retaining the power, in appropriate cases, to prevent absolutely the export of private manuscripts and records. They are "our national heritage", almost unconsciously acquired across a thousand years; their "natural home" is in this country; nor is photography an adequate substitute for the originals, which, properly guarded, will outlive by centuries either photostats or microfilms. The tendency of legislation during the past thirty years has been towards greater control, and this tendency, in my opinion, should not now be reversed.

I am not in principle opposed to the export of documents in all cases, and I consider a reasonable compensation of owners to be an equal obligation upon the government. The problem however of such records is an exceedingly complicated one, and calls for a thorough examination on the same lines as those of the present Committee on the Export of Works of Art.

V. H. GALBRAITH

\* Subject to the note immediately following.

† See paragraphs 237 and 239 (2), and Recommendation 2 on page 62.

## APPENDIX I

### Evidence Received

The following bodies or individuals have expressed views to us, orally or in writing. Those who gave oral evidence are marked with an asterisk.

- \*Mr. C. K. Adams (National Portrait Gallery).
- \*Thos. Agnew and Sons Ltd., represented by Mr. Geoffrey Agnew.
- Mr. D. A. Allan (Royal Scottish Museum).
- \*Antiquarian Booksellers' Association, represented by Miss Winifred A. Myers and Mr. J. E. S. Sawyer.
- \*Antique and Art Dealers' Export Group (and British Antique Dealers' Association).
- Professor Argan.
- \*Mr. B. Ashmole (British Museum).
- \*Sir Leigh Ashton (Victoria and Albert Museum).
- Mr. C. H. Collins Baker.
- Mr. David Baxandall (City Art Gallery, Manchester).
- Mr. Chester Beatty.
- \*Birmingham City Museum and Art Gallery, represented by Mr. Trenchard Cox.
- Mr. T. S. R. Boase.
- \*Professor Thomas Bodkin (Barber Institute of Fine Arts).
- \*Bodleian Library, Oxford, represented by Mr. J. N. L. Myres and Mr. L. W. Hanson.
- \*Mr. H. J. Braunholtz (British Museum).
- \*British Antique Dealers' Association (and Antique and Art Dealers' Export Group), represented by Mr. H. Morton Lee, Mr. J. Bernard Perret, Sir Alec Martin and Mr. Richard M. Norton.
- British Council.
- British Numismatic Society (and Royal Numismatic Society).
- British Records Association.
- \*Mr. Maurice Brockwell.
- \*Mr. Huntingdon Cairns (National Gallery of Art, Washington).
- \*Mr. Charles Carter (Aberdeen Art Gallery).
- \*Mr. John Carter (Messrs. Chas. Scribner's Sons).
- Church Commissioners.
- \*Sir Kenneth Clark.
- Mr. Louis Clarke.
- \*Mr. A. J. Collins (British Museum).
- Messrs. P. & D. Colnaghi and Co. Ltd.
- Colonial Office.
- Mr. H. M. Colvin.
- Commonwealth Relations Office.
- Council for British Archaeology.
- Mr. Trenchard Cox (Birmingham City Museum and Art Gallery).
- \*Customs and Excise, represented by Mr. A. D. Owen and Mr. C. H. Blake.
- Sir William Li. Davies (National Library of Wales).
- Dr. Otto Demus.
- The late Duke of Devonshire.
- \*Duke of Devonshire.
- Mr. G. S. Dixon.
- The late Mr. F. A. Drey.
- Mr. David Eccles, M.P.
- \*Mr. H. C. R. Edwards (Victoria and Albert Museum).
- County Archivist of Essex.

- \*Fine Art Trade Export Group, represented by Mr. A. H. Addison, Mr. C. G. des Graz and Mr. K. M. Gallop.
- \*Foreign Office, represented by Sir Roger Makins.
- Friends of the National Libraries.
- Dr. A. S. Fulton (British Museum).
- Mr. C. J. Gadd (British Museum).
- Mr. Paul Gardner (William Rookhill Nelson Gallery of Art, Kansas City).
- Mr. Blake-More Godwin (Toledo Museum of Art).
- Mr. Basil Gray.
- The late Sir Henry Hake (National Portrait Gallery).
- Dr. D. B. Harden.
- Lord Harlech.
- Professor Vincent Harlow.
- \*Sir Philip Hendy (Director of the National Gallery).
- Lord Herbert.
- Viscount Hinchingsbrooke, M.P.
- \*Historical Manuscripts Commission, represented by Mr. R. L. Atkinson.
- Mr. T. J. Honeyman (Glasgow Art Gallery).
- Earl of Ilchester.
- \*Board of Inland Revenue, represented by Mr. J. F. Huntington, Mr. R. F. Goodman and Mr. T. R. Moore.
- \*Institute of Historical Research, University of London, represented by Professor J. G. Edwards.
- Mr. Philip James (Arts Council of Great Britain).
- Mr. E. Kaye.
- \*Sir Thomas Kendrick (British Museum).
- \*Lord Kilmaine (Pilgrim Trust).
- Mr. Fiske Kimball (Philadelphia Museum of Art).
- \*Dr. Kaye Lamb (Public Records of Canada).
- Mr. Frank Lambert (Walker Art Gallery, Liverpool).
- Earl of Leicester.
- Lincolnshire Local History Society.
- \*Lord Macmillan (Pilgrim Trust).
- \*Sir James Mann (Wallace Collection and Tower of London).
- \*Sir Alec Martin.
- \*The Hon. Vincent Massey.
- Master of the Rolls' Archives Committee.
- \*Mr. A. G. L. McDonnell.
- Dr. Douglas McKie (Department of the History and Philosophy of Science, University of London).
- Lord Methuen.
- Mr. William M. Milliken (Cleveland Museum of Art).
- \*Mr. P. H. Muir (International League of Antiquarian Booksellers).
- Museums Association.
- Mr. Clifford Musgrave (Brighton Art Gallery and Museum).
- National Art-Collections Fund.
- National Gallery.
- \*National Galleries of Scotland, represented by Mr. Ellis Waterhouse.
- National Library of Scotland.
- \*National Portrait Gallery, represented by Mr. C. K. Adams.
- \*National Register of Archives, represented by Lt.-Col. G. E. G. Malet.
- National Trust for Places of Historic Interest or Natural Beauty.
- \*Professor W. Notestein.
- \*Mr. C. B. Oldman (British Museum).
- \*Mr. J. H. P. Pallford (Goldsmith's Librarian, University of London).

- \*Professor Richard Pares.  
Dr. I. C. Peate (National Museum of Wales (Welsh Folk Museum)).  
Dr. C. W. Dyson Perrins.
- \*Professor Nikolaus Pevsner.
- \*Mr. A. E. Popham (British Museum).  
Public Record Office.  
Mr. C. W. Radcliffe (Middlesex Standing Joint Committee).  
Mr. Daniel Catton Rich (Art Institute of Chicago).
- \*Professor Conyers Read.  
Mr. E. S. G. Robinson (British Museum).
- \*Sir John Rothenstein (Director of the Tate Gallery).  
Royal Academy of Arts.  
Royal Anthropological Institute.  
Royal Commission on Ancient and Historical Monuments (Scotland).  
Royal Commission on Ancient Monuments in Wales and Monmouthshire.  
Royal Commission on Historical Monuments (England).  
Royal Fine Art Commission.  
Royal Fine Art Commission for Scotland.  
Royal Historical Society.  
Royal Numismatic Society (and British Numismatic Society).  
Royal Society.  
Marquess of Salisbury.
- \*Monsieur Georges Salles (Museums of France).  
San Francisco Museum of Art.  
Scottish Record Office.  
Count Antoine Seilern.  
Society of Antiquaries of London.  
Society of Antiquaries of Scotland.
- \*Society of London Art Dealers, represented by Mr. Hugh L. Agnew, Mr. F. C. Van Duzer and Mr. J. Byam Shaw.
- \*Sotheby & Co., represented by Mr. C. G. des Graz.  
Earl Spencer.  
Standing Commission on Museums and Galleries.  
Mr. R. B. K. Stevenson (National Museum of Antiquities of Scotland).  
Mr. John Summerson.  
Dr. C. H. V. Sutherland.  
Tate Gallery.
- \*Mr. Francis H. Taylor (Metropolitan Museum of Art, New York).  
Dr. F. Sherwood Taylor (Science Museum).  
Dr. C. H. Thompson (County Archivist, County of Leicester).  
Mr. A. B. Tonnochy (British Museum).
- \*Board of Trade, represented by Mr. R. L. Elkington and Mrs. I. J. Hilliard.
- \*H.M. Treasury, represented by Mr. E. W. Playfair.
- \*Mr. H. R. Verry (O and M Division, H.M. Treasury).  
Mr. Anthony R. Wagner.  
Miss Joan Wake (Northamptonshire Record Society).
- \*Mr. D. B. Wardle (Public Record Office).  
Mr. Ellis Waterhouse (National Galleries of Scotland).
- \*Duke of Wellington.  
Sir Harold Wernher.
- \*Professor Johannes Wilde.
- \*Wildenstein & Co. Ltd., represented by Mr. A. W. Rawlinson.
- \*Mr. Carl Winter (Fitzwilliam Museum, Cambridge).  
The late Sir Robert Witt.
- \*Ministry of Works, represented by Mr. Neil Digney.

## APPENDIX II

### Exports and Imports of Works of Art, etc.

#### The Existing Procedure and the Authorities Concerned

(Note compiled from material supplied by the Board of Trade, Customs and Excise and H.M. Treasury)

#### EXPORTS

The present control rests on a dual basis in law:

- (a) The Import, Export and Customs Powers (Defence) Act, 1939
- (b) The Exchange Control Act, 1947.

#### Export Licensing

2. Under (a) the Board of Trade, in exercise of the powers conferred upon them by Section 1 of the Act, make Orders controlling the export of goods. The current Order is the Export of Goods (Control) (Consolidation) Order, 1952 (Statutory Instrument, 1952 No. 1157) as amended, which came into operation on 23rd June, 1952.

3. The Order provides *inter alia* that the following goods listed in Group 18 may not be exported to any destination without a licence from the Board of Trade:—

- (i) "Articles manufactured or produced more than 75 years before the date of exportation". This definition has been held to include books and manuscripts.
- (ii) "Works of Art". This definition applies irrespective of age, and has been held to include such articles as paintings in oils or water-colours; drawings; sculptures (including castings) in any material, whether in the round, in relief or in intaglio; and hand engraved or hand etched blocks, plates or other material and hand printed impressions thereof.

It does not include ordinary decorative articles made by stencilling, photo, chemical or other industrial or mechanical processes; nor architectural and engineering designs, e.g., drawings, sketches etc.

4. Application for permission to export articles subject to licence under the Order are dealt with by the Export Licensing Branch of the Board of Trade. The procedure is described in paragraphs 14-24 below.

#### Exchange Control

5. Exchange control applies to all goods, irrespective of their category, when they are exported to countries outside the sterling area. There is in general no restriction on the movement of capital or financial transfers from the United Kingdom to countries within the area, and member countries maintain a common exchange frontier against the rest of the world.

6. Section 23 of the Exchange Control Act, 1947, prohibits all exports to countries not in the sterling area unless the Commissioners of Customs and Excise are satisfied that the proceeds in foreign exchange are returned to this country (a) promptly (i.e., normally within six months), (b) in full and (c) in the currency prescribed for their destination.

7. Other sections of the Act provide for the surrender to banks or authorised dealers of foreign exchange received by exporters or other United Kingdom residents. The Treasury have power to allow goods to be exported without

earning foreign exchange or to waive or modify the other rules. This power, which is usually exercised under delegation by the Bank of England, enables provision to be made for special cases, e.g., the loan of works of art for an overseas exhibition.

8. To meet the requirements of exchange control the exporter must, if the shipment is to countries not in the sterling area or to Norway, Sweden or Denmark, complete an exchange control declaration, form C.D.3, in duplicate for all exports exceeding £10 in value. This calls for particulars of the buyer, value, date and currency of payment, etc. After the goods have been shipped the first copy is forwarded to the Customs Exchange Control Branch and the second is returned to the exporter. When he receives payment for the goods, he passes his copy of the form to his bankers, who certify that the foreign exchange has been surrendered, and transmit the copy, through the Bank of England, to the Customs Exchange Control Branch, who then write-off the particular exportation as cleared. If the record is not cleared within a prescribed time, enquiries are made into the reason.

9. In addition to providing a record of exports, the form C.D.3 also serves as a form of permit in the special cases, referred to in paragraph 7 above, where the normal rules as to payment are waived or varied. In these cases, before sending the goods forward for shipment, the exporter submits it to the Bank of England, who stamp or "frank" it if the exportation is approved. Moreover if, for example, the case is one involving the temporary loan of works of art for an overseas exhibition, the procedure operates as a check that the articles are duly brought home.

#### Pre-Entry

10. To complete this account of the procedure it should be mentioned that formal entry for shipment ("pre-entry") is required (a) for goods of the classes subject to export licensing and (b) for all exports to countries outside the sterling area. This means that, in addition to the other documents, the exporter must fill up a pre-entry form, which has to be sent or taken to the office (or "Long Room") of the Customs Collector at the port concerned, either before or at the time the goods are presented for shipment. This is checked to see that the exportation is covered by a licence (if one is required) or that other conditions applying to the goods are satisfied. It is then passed to the Customs Officers at the port as authority for the goods to be shipped. For goods exported by parcel post, however, the Customs declaration label takes the place of the pre-entry form.

#### Summary

11. To sum up, therefore, the exporter must:—

- (a) Obtain an export licence if one is needed;
- (b) Complete form C.D.3, if the export is valued at £10 or more and is to a country outside the sterling area or Scandinavia;
- (c) Complete a pre-entry form if (a) applies or the goods are exported to a country (including Scandinavian countries) outside the sterling area.

#### Baggage Concession as to Effects

12. Some relaxation of these requirements has been allowed for effects exported in passengers' baggage, subject to the Customs being satisfied that they are not, for example, exports for sale. If the passenger is proceeding to a destination in the sterling area, export licences are waived for works of art and antiques (except manuscripts) provided no one article exceeds £100 in value and the total value does not exceed £200. For destinations not in the sterling area, non-residents and United Kingdom emigrants are given the same concession.

United Kingdom residents (other than emigrants) leaving the area must, however, obtain export licences if they carry articles in this category. The exchange control form C.D.3, is not normally required for *bona fide* personal effects.

13. Customs pre-entry is waived for accompanied, but not unaccompanied baggage.

#### Export Licensing Procedure

14. As stated in paragraph 3 export licences are needed in the case of "articles manufactured or produced more than 75 years before the date of exportation" (including books and manuscripts), and "works of art". Applications for these licences are made to the Export Licensing Branch of the Board of Trade on form "C". This requires a full description to be given, together with the details of payment and the country of destination, and a declaration signed by the applicant that all the particulars are correct. After examination in the Export Licensing Branch, to see if all the particulars are in order, the application is referred for advice to the appropriate museum or gallery if:

- (a) It concerns antique arms or armour;
- (b) It concerns antique furniture valued at £250 or more;
- (c) It concerns any other article valued at £100 or more;
- (d) It concerns an article, valued at less than the amounts mentioned above, which presents some special circumstance or interest that suggests to the examining officer that expert opinion should be sought.

15. In 1950, of the 16,474 applications received, 2,134 were so referred. An analysis is given in Table A.

16. The following experts are consulted:

Category	Advising Authority
1. Antique Arms and Armour	Tower of London Master of the Armouries.
2. Antique Books	British Museum Keeper of Printed Books.
3. Antique Manuscripts	British Museum Keeper of Manuscripts.
4. Antique Coins and Medals	British Museum Keeper of Coins and Medals.
5. Antique Drawings, Prints, Woodcuts, Etchings and Water-colours.	British Museum Keeper of Prints and Drawings.
6. Modern Drawings, Woodcuts, Etchings and Water-colours.	Tate Gallery Director.
7. Antique Furniture	Victoria & Albert Museum Keeper, Department of Furniture and Woodwork.
8. Antique Paintings (except Nos. 10 and 11).	National Gallery Director.
9. Modern Paintings (except No. 11)	Tate Gallery Director.
10. Antique Portrait Paintings of British sitters.	National Portrait Gallery Director.
11. Miniature Paintings	Victoria & Albert Museum Keeper of Miniature Paintings.
12. Antique Pottery	Victoria & Albert Museum Keeper of Ceramics (also to British Museum in certain cases).

Category	Advising Authority
13. Antique Sculpture ...	Victoria & Albert Museum—Keeper of Sculpture (also to British Museum in certain cases).
14. Modern Sculpture ...	Tate Gallery—Director.
15. Antique Silverware and other metal-ware.	Victoria & Albert Museum—Keeper of Metal-ware.
16. Tapestries ...	Victoria & Albert Museum—Keeper of Tapestries.
17. Miscellaneous ...	Various appropriate Museums, etc.

17. These experts have undertaken the responsibility of themselves approaching, or drawing the attention of the Board of Trade to, any other museum or gallery that in their judgment might have a special interest in the particular work. The actual question put to them is as follows:—

"Would you kindly state whether you consider the valuations to be reasonable and whether you see any objection, from a national interest point of view, to the proposed exportation, or whether any other authority would be likely to be interested, e.g. Scottish, N. Irish or Welsh museums, Tower of London, etc."

#### Bulk Licences

18. A system is also in force under which bulk licences are given to reputable dealers against an undertaking that they will consult the Export Licensing Branch on:—

- (a) any book over 100 years old and valued at more than £100;
- (b) any map, print or manuscript valued at more than £50;
- (c) any item in other categories valued at more than £100.

19. This arrangement was originally adopted in the case of antique books, but has since been extended to dealers in most categories except arms and armour. Two hundred bulk licences were in operation on 31st January, 1951. Where, under these arrangements, a dealer holding a bulk licence consults the Board of Trade, the Board in turn consults the experts, if necessary, in accordance with the arrangements described in paragraphs 14-17 above.

#### Expert Advice

20. In the cases where they are consulted the experts may make such enquiries as they deem necessary, call for further particulars or photographs, and arrange to inspect the article if need be. The exact practice varies, however, with the different categories of article, as does the number of articles about which they are called upon to advise (see Table A).

#### The Reviewing Committee

21. If the advice of the expert is that an export licence should be refused on grounds of national interest, or if, without recommending a refusal, he wants a second opinion, the case is referred to a Reviewing Committee. This Committee was first constituted in October, 1949, to hear appeals against refusals, but since October, 1950, it hears all cases where a refusal is recommended.

22. The Committee is composed of a Treasury chairman, representatives of the Board of Trade and the Foreign Office, the director or keeper who is recommending the refusal of a licence, and three other directors or keepers who are not directly concerned with the case to be considered. Of these three independent members two are directors or keepers from national collections in

London and one is from a panel of five directors of museums and galleries outside London—one Scottish, one Welsh and three English provincial collections. Any provincial director who is directly concerned with a case would be invited to the discussion of that case. Representatives of the Commonwealth Relations Office or the Colonial Office are invited if they are concerned. The Committee aims at achieving agreed decisions.

23. Since its constitution and up to the 30th June, 1952, the Committee has met 11 times and has considered 15 cases. Licences were granted in seven of these cases and refused in seven. One application was withdrawn.

24. As shown in Table B, during the period January, 1948, to December, 1951, consideration was given to 55,445 applications, of which 6,380 were referred to experts. Licences were refused in 18 cases on grounds of national interest. The total number of refusals on these grounds since the inception of the scheme is 25, covering 32 objects.

## IMPORTS

### Import Licensing

25. Imports are controlled by the Import Licensing Branch of the Board of Trade under the same Act as exports—the Import, Export and Customs Powers (Defence) Act, 1939.

26. Under this Act an Open General Licence is in force, which permits the importation of certain articles originating in and consigned from those countries to which the arrangements for the liberalisation of trade have been applied, i.e., all countries other than Albania, Argentina, Bolivia, Bulgaria, Canada, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, El Salvador, French Somaliland, Germany (Russian Zone), Guatemala, Haiti, Honduras, Hungary, Japan, Korea, Liberia, Mexico, Nicaragua, Panama, Persia (Iran), Philippines, Poland, Roumania, Tangier, United States of America, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

27. In cases not covered by the Open General Licence, individual import licences are required, and each case is considered on its merits. Works of art and antiques imported for temporary exhibition are licensed freely, but otherwise the general policy is to refuse licences for imports of works of art, etc., which will cost "hard" currency.

28. Permission to import, whether under the Open General Licence or under an individual licence, implies that permission to remit the foreign exchange necessary for the goods will be forthcoming, unless the licence is qualified that no payment is to be made as, for example, in cases where works of art are imported for temporary exhibition.

29. The Open General Licence referred to in paragraph 26 covers:—

- (i) Antiques being goods (other than wines and spirits) which are proved to the satisfaction of the Commissioner of Customs and Excise to have been manufactured or produced more than 100 years before the date of importation;
- (ii) Works of Art, the following:—
  - (a) paintings in oil or water-colours, framed or unframed, on any material;
  - (b) ink, pencil and charcoal drawings, and pastels, framed or unframed, on canvas or paper (including board); and
  - (c) hand engraved or hand etched blocks, plates or other material, and hand printed impressions, framed or unframed, thereof.
- (iii) Books, printed, for reading purposes.



30. There is also a world Open General Licence which permits the importation from any country of:—

- (i) Books, printed, and other printed matter for reading purposes . . . imported as a single copy through the post, and
- (ii) Manuscripts.

#### RE-EXPORTS

31. Re-exports concern both the import and the export licensing authorities.

32. On the import side the practice is to license the import for export if the Exchange Control is satisfied with the proposed method of re-imbursement. This means in practice that the importer who pays dollars for the work of art must obtain dollars for it from his eventual overseas customer.

33. On the export side the practice is to grant a licence if the object has been imported within a reasonable time which, as a working although not a binding rule, has been taken as two years.

#### OTHER RELEVANT PROVISIONS

##### Import Duty

34. The following classes of articles are all exempted from certain Customs duties under the various statutory provisions mentioned below:—

(1) Antiques, being goods (other than wines and spirits) which are proved to the satisfaction of the Commissioners of Customs and Excise to have been manufactured or produced more than 100 year before the date of importation (Finance Act, 1926, Section 8 and Import Duties Act, 1932, Section 20).

(2) Printed books and printed music (Import Duties Act, 1932, Section 1 (2) (b) and First Schedule).

(3) Paintings in oil or water-colours, framed or unframed, on any material; and ink, pencil and charcoal drawings, and pastels, framed or unframed, on canvas or paper (including board). (Import Duties (Exemptions) (No. 2) Order, 1932, as amended by Import Duties (Exemptions) (No. 2) Order, 1934.)

(4) All articles liable to duty under the Import Duties Act, 1932, consigned to any gallery or museum under the control of a Public Authority or University in the United Kingdom approved for the purpose of this provision by the Treasury, or any other Institution or Body so approved, and declared by the consignee on a form approved by the Commissioners of Customs and Excise to be imported solely for use as exhibits and specimens and not for sale (Import Duties (Exemptions) (No. 2) Order, 1932).

(5) Maps (Import Duties (Exemptions) (No. 3) Order, 1932).

(6) Manuscripts (Import Duties (Exemptions) (No. 4) Order, 1932).

(7) Works of art, not being works of traditional or conventional craftsmanship, of the following classes or descriptions:—

(a) Sculptures, whether in the round, in relief or in intaglio.

(b) Hand engraved or hand etched blocks, plates or other material and printed impressions, framed or unframed, thereof.

(Import Duties (Exemptions) (No. 15) Order, 1937, as amended by Import Duties (Exemptions) (No. 4) Order, 1939, made under the Import Duties Act, 1932, Section 1 (2) (b) and the Finance Act, 1937, Section 4.)

To qualify for exemption from duty under Class (7), the article must be certified by or on behalf of the Director of the Tate Gallery to be a work of art; the number of replicas of any one sculpture which may be so certified

must not exceed three, and the number of impressions of any engraving so certified must not exceed twenty-five. These numerical limitations are designed to check the duty-free importation as works of art of what are little more than commercial products.

(8) Goods intended to be used for a purpose connected with the advancement of any branch of learning or art may be admitted free of duty by Treasury licence, provided they are not intended to be sold or used for any purpose which is substantially a commercial purpose (Section 8 of the Finance Act, 1936).

35. Goods within Class (1) above are exempt from all duties and from the purchase tax on imports. Goods within Classes (2)-(7) are exempt from duty under the Imports Duties Act, 1932, only. Goods within Class (8) are exempt from duty under the Import Duties Act, 1932, and from the silk and artificial silk duties. What this means in practice is that, except for an occasional item in Classes (2)-(7) which may be charged with silk duty, goods falling within any of these classes are usually wholly exempt from Customs duty. Such things as jewellery, pottery, etc., would be dutiable unless they came within the scope of Classes (1) (4) or (8).

##### Purchase Tax

36. Purchase tax is chargeable at various rates by reference to the Groups of goods listed in the Eighth Schedule to the Finance Act, 1948, as subsequently amended. The Schedule makes no specific provision for "works of art" as such, with the result that where such articles fall within any of the taxable headings liability at the appropriate rate is incurred, but imported *antiques* are in practice free of purchase tax as well as import duty under the provisions referred to at (1) in paragraph 34. Imported "works of art" which are not within this exception for antiques may be chargeable with tax under one or other of a number of Headings of the Schedule, but in the sense in which the term is generally understood the following are the provisions most likely to be applicable:—

- (a) Goldsmiths' and silversmiths' wares, being articles made wholly or partly of gold, silver or other precious metal . . . . . 100 per cent. (Group 27)
- (b) Articles made wholly or partly of ivory, amber, jet, coral, natural shells or tortoiseshell, or of jade, onyx, lapislazuli or other semi-precious stones . . . . . 100 per cent. (Group 28)
- (c) Jewellery and imitation jewellery being articles consisting wholly or partly of stones or beads (precious, semi-precious or imitation) or of pearls (real, defective, cultured or imitation) . . . . . 100 per cent. (Group 26)
- (d) Glassware of cut glass of a kind used for domestic or office purposes . . . . . 100 per cent. (Group 11 (d))
- (e) Tapestry . . . 50 per cent. under Group 6 which relates to "Tissues and fabrics" or (if made up) under Group 5 which relates to "Textile articles of a kind used for domestic purposes and articles made of and material which are of a kind used as domestic soft furnishings . . ."
- (f) Pictures, prints, engravings, photographs, figures, busts, reliefs, vases, and similar articles, of a kind produced in quantity for general sale . . . . . 100 per cent. (Group 25 (u))

(Reproductions of pictures, prints, engravings and similar articles executed over 100 years ago are, however, liable at 66½ per cent. under Group 25 (b).)

37. Any article within the descriptions (a) to (e) inclusive, is liable to tax at the appropriate rate whether it is a unique work of art or not. In the case of (f), the position is different owing to the fact that the Heading relates only to articles of the specified descriptions which are "of a kind produced in quantity for general sale". Any original, unique articles (irrespective of their artistic merit) of the descriptions shown at (f) are thus not within the scope of Group 25, but they remain liable to tax if they are within other Headings, e.g., (a) and (b) above, which impose a charge on articles made wholly or partly of certain materials.

38. The liability of those pictures, figures, busts, reliefs, and vases, which are not within any of the Groups imposing a charge by reference to materials, turns solely on whether they are of a kind produced in quantity for general sale. Broadly speaking the Heading covers all repetitive productions whether by hand or mechanical process and whether the productions are identical or varied within the same style. Works of craftsmanship such as hand-carved wooden ornaments are liable if they are of a kind generally available on sale. An original painting in oil or a water-colour is thus not liable, but reproductions are. Similarly a specially commissioned statue or bust is not liable, but mass-produced statuettes are.

39. Engravings and etchings are dealt with as follows. Hand printed copies signed by the artist, printed from original engravings, etchings, lithographs, wood cuts or lino cuts, are not taxed provided the total number produced for sale of any one subject does not exceed 75. Unsigned copies or signed copies in excess of 75 are taxed.

40. Books (i.e., reading books) are not mentioned in the Tax Schedule and are not liable to tax. Further, publications consisting principally of a printed bound volume of text with subsidiary illustrations relative to the text which accompany the bound volume of text in a separate portfolio sold as part of the complete work are regarded as not liable. Publications which are principally and essentially portfolios of separate unbound pictures, prints, engravings, etc., are, however, in general, regarded as chargeable with tax, always provided, of course, that the prints, etc., are "of a kind produced in quantity for general sale".

41. Articles of a kind liable to the tax may be imported without payment of tax only by persons who are registered with the Customs for purchase tax. In general, it is not necessary from the Revenue standpoint for art dealers as such to become registered, nor need they register in their own interests, and the question of registration seldom, therefore, presents any practical difficulties. Entrepot trade can be kept clear of purchase tax by depositing the articles in a bonded warehouse or by transshipment arrangements.

42. Where such articles are imported by unregistered persons, liability to tax arises, but in the case of goods temporarily imported:—

- (1) for process or repair, or
- (2) in certain cases for exhibition in this country, the tax can be refunded when they are re-exported.

TABLE A  
Analysis of cases referred to Advisers in 1950

Advising Gallery, etc.	No. of cases	No. of individual items covered by previous column	Items under £100		Items £100-250		Items £251-500		Items £501-1,000		Items Over £1,000		Total
			No.	£	No.	£	No.	£	No.	£	No.	£	
Victoria and Albert Museum: Antique Furniture ... Silver and metalware, glass, china, sculp- tures, miniature paintings and tapestry ...	561	815	—	—	15	2,682	269	92,336	117	88,138	54	145,098	384,198
			4	316	356	55,628							
*British Museum National Gallery National Portrait Gallery Tate Gallery ... Other ...	607 476 41 175 6	785 821 55 300 7	136 6 — — —	— — — — —	396 386 26 171 —	— — — — —	207 298 22 84 6	— — — — —	46 131 8 46 1	— — — — —	— — — — —	— — — — —	
†Tower of London ...	268	(See footnote)	189	—	33	—	28	—	18	—	—	—	
Totals ...	2,134	2,783											

\* Items under £100 were chiefly coins and medals which, for part of the year, were referred irrespective of value.  
† All cases are referred irrespective of value. The number of items were too numerous for separate recording.

**TABLE B**  
**Number of Applications and Cases referred to Advisers**

Year	Number of Applications	Cases referred to experts
1948	10,577	937
1949	12,022	839
1950	16,474	2,134
1951	16,372	2,470

### APPENDIX III

#### Imports and Exports of Works of Art, etc.

##### Memorandum by the Board of Trade

The Committee has asked for any available data that would assist in gauging the general trend of the import and export trade in works of art, books, manuscripts, armour and antiques, and between any classes of article within those categories. Additionally it was requested that the 16,474 applications for export licences dealt with in 1950 should be further described to show their total value, distribution in price ranges and the total value approved.

2. It is regretted that the statistical records, which were of course designed for other purposes, are not sufficiently detailed to provide all the information now sought and the following summaries are thought to provide the best general guidance available.

3. The current United Kingdom Import and Export Trade Returns include these headings.

**Works of Art, other than pictures—**

Not being works of traditional or conventional craftsmanship—

Blocks, plates and other material hand-engraved or hand-etched.

Sculptures, in the round, in relief or in intaglio.

Other.

**Pictures, prints, engravings, photographs—**

Paintings in oil or water colours, framed or unframed.

Ink, pencil and charcoal drawings, and pastels, on canvas or paper (including board), framed or unframed.

Hand-printed impressions, framed or unframed, from hand-engraved or hand-etched blocks, plates or other material.

Curios.

4. It is understood that the heading "Curios" includes all antiques, i.e. articles 75 years old or over, except paintings; it also includes some unidentifiable quantity of miscellaneous second-hand bric-a-brac of any age.

5. It should also be explained that imports and exports by parcel post are not included under the commodity headings in the Trade Returns, except imports by parcel post charged to duty and exports by parcel post from bond or on drawback; also that goods exported in baggage as personal effects do not enter into the trade statistics. Temporary exports for exhibitions are similarly not included.

6. For these reasons it is only possible to give detailed trade statistics for the items described in paragraph 3; the tables annexed to this paper are limited to this field and even so are subject to the qualifications indicated in paragraphs 4 or 5. The tables show the Import, Re-Export and Export trade recorded under these headings in the post-war years 1949, 1950 and 1951 with some comparable figures for the pre-war years 1937 and 1938. As a guide to the division of trade between countries the tables show, in respect of 1951 and 1938, countries with the most important trade.

7. Regarding the request for further analysis of the applications for export licences in 1950 it should be explained that certain essential records have been kept but, in the interests of staff economy, these have been reduced to a bare minimum and thus it is not possible to extract very accurate data for the large number of unimportant items. It will be appreciated that in many cases applications cover a collection of items of small value.

8. The position in 1950 was that 16,474 applications were considered and out of this total 2,134 representing a total value of £1,892,489, were referred for expert advice. The remaining 14,340 applications were decided by officers of the Export Licensing Branch without reference to experts and these were all for items of small value including quite frequently a number of such items on one application. All the items in question would be of values less than the following:—

furniture £250; maps, prints and manuscripts £50; and other items (except arms and armour where all are referred) £100.

9. To the above figures should be added the value of goods exported under the authority of bulk licences which was approximately £1,189,000 but this gross figure includes some important items which were in excess of the limits of discretion described above and in consequence were referred for expert advice before exportation. There is therefore a repetition of some part of the £1,892,489 referred to in the preceding paragraph. In the opinion of the officers dealing with these requests it is thought that these referred items would be of an approximate value of £125,000 but this is, of course, only an approximation.

10. The totals are therefore:—

	£	£
2,134 cases referred to experts	...	1,892,489
200 bulk licences	1,189,000	
less (estd.)	125,000	
		1,064,000
		<u>£2,956,489</u>

11. To this should be added the 14,340 applications covering items of small value and not referred to experts. It is regretted that it is not possible to give an accurate total value of these without a disproportionate amount of work.

Export Licensing Branch,  
Board of Trade,

March, 1952.

TABLE C  
Imports into the United Kingdom

Year	Principal Countries	Works of Art (other than Pictures)			Pictures, Prints, Engravings, Photographs			Curios
		Blocks, etc.	Sculptures, etc.	Other	Paintings, etc.	Ink Drawings, etc.	Hand Printed Impressions, etc.	
1951	Channel Islands... Union of South Africa... Pakistan... Ceylon... New Zealand... Canada... Denmark... Germany, Western... Netherlands... Belgium... France... Switzerland... Italy... Austria... United States of America... Irish Republic... Egypt... Hong Kong...	£ — — — — — — — — — — — — — — — — — — —	£ — — — — — — — — — — — — — — — — — — —	£ — — — — — — — — — — — — — — — — — — —	£ 7,745 5,899 7,042 18,480 5,272 12,143 6,531 71,226 112,270 723,063 213,661 11,574 15,160 159,512 40,465 — — —	£ — — — — — — — — — — — — — — — — — — —	£ — — — — — — — — — — — — — — — — — — —	38,265 — — — — — — — — — — — — — — — — — — —
1951	TOTAL ALL COUNTRIES	104	50,625	8,209	1,446,139	169,746	43,168	466,623
1950	TOTAL ALL COUNTRIES	—	58,938	—	—	1,659,053	—	316,936
1949	TOTAL ALL COUNTRIES	—	52,516	—	—	1,381,859	—	198,984
1949	TOTAL ALL COUNTRIES	—	29,274	—	—	780,400	—	198,984

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TABLE C—continued

Year	Principal Countries	Works of Art (other than Pictures)			Pictures, Prints, Engravings, Photographs			Curios
		Blocks, etc.	Sculptures, etc.	Other	Paintings, etc.	Ink Drawings, etc.	Hand Printed Impressions, etc.	
1938	Irish Republic... Canada... Italy... Germany... Netherlands... France... Switzerland... Hungary... United States of America... China...	£ — — — — — — — — — —	£ — — — — — — — — — —	£ — — — — — — — — — —	£ 23,356 28,746 — 17,352 72,377 456,454 55,519 10,751 233,018 —	£ — — — — — — — — — —	£ — — — — — — — — — —	— — — — — — — — — —
1938	TOTAL ALL COUNTRIES	—	187,800	—	948,241	30,721	—	526,484
1937	TOTAL ALL COUNTRIES	—	27,603	—	978,962	—	—	907,868
1937	TOTAL ALL COUNTRIES	—	27,603	—	†1,206,815	—	—	907,868

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\* Excluding Newfoundland.

† Excludes ink drawing and framed pencil and charcoal drawings which are included in subsequent years.

**TABLE D**  
**Exports from the United Kingdom**

Year	Principal Countries	Works of Art (other than Pictures)			Pictures, Prints, Engravings, Photographs			Curios
		Blocks, etc.	Sculptures, etc.	Other	Paintings, etc.	Ink Drawings, etc.	Hand Printed Impressions, etc.	
1951	Channel Islands Union of South Africa Australia Canada Bermuda Bahamas Iraq Republic Sweden Denmark Netherlands Belgium France Switzerland Italy Egypt United States of America Brazil India Germany, Western	£ — — — — — — — — — — — — — — — 2,023 — — — —	£ — — — — — — — — — 2,500 — — 4,499 2,865 — — — — — —	£ —	£ 112,157 13,481 75,811 121,764 — — 49,866 13,772 — 95,932 42,125 231,074 268,669 47,159 — 581,121 76,617 — 15,647	£ — — — — — — — — — — — — 13,106 — — 13,852 — — — —	£ — — — — — — — — — — — — — — — 32,358 — — — —	— 30,994 77,585 126,011 18,767 18,830 — 26,865 15,968 29,337 43,957 65,309 18,153 61,266 25,632 1,815,541 41,910 — —
1951	TOTAL ALL COUNTRIES	4,429	26,069	183,037	1,803,392	59,154	46,156	2,485,742
1950	TOTAL ALL COUNTRIES		213,535					2,208,152
1949	TOTAL ALL COUNTRIES		113,385					1,444,940

TABLE D—continued

Year	Principal Countries	Works of Art (other than Pictures)			Pictures, Prints, Engravings, Photographs			Curios
		Blocks, etc.	Sculptures, etc.	Other	Paintings, etc.	Ink Drawings, etc.	Hand Printed Impressions, etc.	
1938	South Africa .. .. .		£ 7,153			£ 10,229		£ —
	Irish Republic .. .. .		—			9,283		—
	Australia .. .. .		—			21,401		—
	†Canada .. .. .		4,454			47,335		24,439
	Netherlands .. .. .		—			15,267		16,318
	France .. .. .		—			22,395		8,553
	United States of America .. .. .		21,619			164,711		362,295
1938	TOTAL ALL COUNTRIES		62,378			*330,502		465,338
1937	TOTAL ALL COUNTRIES		81,477			*607,219		772,863

- \* Excludes ink drawings and framed pencil and charcoal drawings which are included in subsequent years.
- † Excluding Newfoundland.

N.B.—For the purposes of this Table exports from the United Kingdom consist of:—  
 Goods and materials grown or produced in the United Kingdom.  
 Goods finished or wholly or partially manufactured in the United Kingdom.  
 Goods completed or further advanced towards completion in the United Kingdom.

TABLE E  
Re-exports from the United Kingdom

Year	Principal Countries	Works of Art (other than Pictures)				Pictures, Prints, Engravings, Photographs				Curios
		Blocks, etc.	Sculptures, etc.	Other	Paintings, etc.	Ink Drawings, etc.	Hand Printed Impressions, etc.			
1951	Germany, Western Netherlands France Switzerland United States of America	£ — 943 — — —	£ 7,000 — 18,600 — —	£ — 19,425 — 9,015	£ — 38,867 30,554 28,925 60,830	£ — 78,196 — 6,489	£ — — — 880	£ — 1,372 — 8,577		
		943	32,860	37,150	183,779	86,685	900	—		
1951	TOTAL ALL COUNTRIES		70,953			271,364		13,082		
1950	TOTAL ALL COUNTRIES		66,810			437,506		30,238		
1949	TOTAL ALL COUNTRIES		24,879			125,265		39,305		

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TABLE E—continued

Year	Principal Countries	Works of Art (other than Pictures)			Pictures, Prints, Engravings, Photographs			Curios
		Blocks, etc.	Sculptures, etc.	Other	Paintings, etc.	Ink Drawings, etc.	Hand Printed Impressions, etc.	
1938	Irish Republic	...	...	£ — — — 12,305 — 3,709	£ 5,958	£	£	£ — — 10,461 139,851 — 84,577
	Germany	...	...		5,244	—		
	Netherlands	...	...		41,507	—		
	France	...	...		213,975	—		
	Switzerland	...	...		21,409	—		
	United States of America	...	...		148,030	—		
					464,513	4,657		
1938	TOTAL ALL COUNTRIES	...	19,141		469,170			273,576
1937	TOTAL ALL COUNTRIES	...	30,983		*467,320			202,577

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\* Excludes ink drawings and framed pencil and charcoal drawings which are included in subsequent years.

N.B.—For the purpose of this Table re-exports from the United Kingdom consist of:—  
Goods, materials or articles exported in the condition in which they were imported.  
Goods exported after having undergone minor operations which leave them essentially unchanged.

# APPENDIX IV

## Grants to the Principal National Art Collections since 1920

TABLE F

Annual total of Purchase Grants-in-Aid

Year	Normal Grants	Special Grants	Total
	£	£	£
1920-21 ...	46,010	1,000	47,010
1921-22 ...	46,010	—	46,010
1922-23 ...	45,050	—	45,050
1923-24 ...	43,350	—	43,350
1924-25 ...	52,750	9,000	61,750
1925-26 ...	52,750	—	52,750
1926-27 ...	52,800	—	52,800
1927-28 ...	52,800	—	52,800
1928-29 ...	52,800	—	52,800
1929-30 ...	52,800	106,000	158,800
1930-31 ...	52,300	7,500	59,800
1931-32 ...	58,700	—	58,700
1932-33 ...	18,200	—	18,200
1933-34 ...	18,200	—	18,200
1934-35 ...	20,321	39,319	59,640
1935-36 ...	35,800	—	35,800
1936-37 ...	46,920	500	47,420
1937-38 ...	48,220	500	48,720
1938-39 ...	57,420	500	57,920
1939-40 ...	45,096	500	45,596
1940-41 ...	15,010	—	15,010
1941-42 ...	12,010	—	12,010
1942-43 ...	12,010	—	12,010
1943-44 ...	12,010	—	12,010
1944-45 ...	7,010	—	7,010
1945-46 ...	12,250	—	12,250
1946-47 ...	41,800	60,000	101,800
1947-48 ...	55,440	90,000	145,440
1948-49 ...	65,440	—	65,440
1949-50 ...	63,740	120,500	184,240
1950-51 ...	58,740	7,500	66,240
1951-52 ...	63,740	82,000	145,740
1952-53 ...	63,240	—	63,240

Note: This table covers the following collections:—

British Museum (Bloomsbury), Victoria and Albert Museum, National Gallery, Tate Gallery, National Portrait Gallery, Tower of London Armouries, Royal Scottish Museum and National Galleries of Scotland.

It excludes Wales (see note (c) to Table G).

TABLE  
Purchase Grants-in-Aid to Individual  
(excluding the Special

	1931-32	1932-33	1938-39	1944-45	1945-46
	£	£	£	£	£
British Museum (Bloomsbury)	30,000	15,000	30,000	7,000	7,000
Victoria and Albert Museum	16,000	2,000	16,000	10	3,000
National Gallery ...	7,000	nil	7,000	nil	1,500
Tate Gallery ...	No grant before 1946-47				
National Portrait Gallery(a)	800	nil	400	nil	nil
Tower of London Armouries	No grant before 1946-47				
Royal Scottish Museum ...	3,500	1,000	2,800	nil	750
National Gallery of Scot- land (b) ...	1,000	nil	800	nil	nil
Scottish National Portrait Gallery (b) ...	200	nil	200	nil	nil
National Museum of Antiquities, Scotland	200	200	220	nil	nil
Totals ...	58,700	18,200	57,420	7,010	12,250 —

(a) In addition to its normal grant-in-aid the National Portrait Gallery retains a sum dependent on profits from its catalogue stall and sale of certain photographs; the amount varies between £150-£300 annually.

(b) In addition to their normal grants-in-aid, the National Galleries of Scotland have access to an annuity of £2,000 from the Consolidated Fund, which is paid under the Treaty of Union of 1707 and the National Galleries of Scotland Act, 1906.

G  
Institutions for Selected Years  
Grants, and Wales (c))

	1946-47	1947-48	1948-49	1949-50	1950-51	1951-52	1952-53
	£	£	£	£	£	£	£
	20,000	30,000	40,000	35,000	30,000	35,000	34,500
	10,000	10,000	10,000	12,500	12,500	12,500	12,500
	5,000	7,000	7,000	7,000	7,000	7,000	7,000
	2,000	2,000	2,000	2,000	2,000	2,000	2,000
	800	800	800	800	800	800	800
	2,000	2,000	2,000	2,000	2,000	2,000	2,000
	2,000	2,000	2,000	2,800	2,800	2,800	2,800
	nil	1,000	1,000	1,000	1,000	1,000	1,000
	nil	200	200	200	200	200	200
	nil	440	440	440	440	440	440
	41,800	55,440	65,440	63,740	58,740	63,740	63,240

(c) The National Museum and National Library have no purchase grant-in-aid as such, but their grants-in-aid take into account expenditure on purchases of specimens, books, manuscripts and prints. In recent years the Museum has spent sums of the order of £2,000 on specimens and £900 on books for its library; and the Library has spent about £2,000 a year on books, manuscripts and prints.